

**Revocation of Citizenship in Canada:
A Criminological Reading of a Tension Between Rights and Obligations in Conceptions of
Citizenship**

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Abstract

This research explores the political debates surrounding changes in the law regulating citizenship revocation in Canada and how they reflect the tensions in the meaning of citizenship for dual-national citizens. Borrowing from citizenship studies and critical criminology, the main argument in this thesis is that Bill C-24 seems to be an attempt on part of the Conservative Party to recalibrate the meaning of citizenship from a more liberal understanding (based on civic rights) to one that is more republican (based on civic duty). This research also demonstrates how this recalibration in the conception of citizenship from a more liberal notion to a more republican one parallels the shift in crime control policies of the state that were geared more toward prioritizing the welfare and equality of all citizens under the law in the 1960s-70s to ones that are presently oriented toward punishment, control and management of “dangerous groups”. The scholarly literature suggests that the modern conception of citizenship tends to draw from the republican and liberal traditions that are complementary but are also in tension, and the recent political discussions surrounding citizenship involves arguing for the best balance between rights and responsibilities of citizens. The analysis of the parliamentary debates surrounding Bill C-24 reveals that, in light of Canada’s current political landscape that is heavily influenced by penal-populist notions of punishing the offender populations and making “responsibilized” citizens, the pendulum of citizenship is generally being tilted toward the republican model (based on restoration of civic duties of citizens to the state and their fellow citizens) more so than the liberal model (based on preserving the welfare, liberty and equality of all citizens under the law).

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Chapter One - Introduction

Bill C-24 – passed by Harper’s Conservative government and sponsored by Chris Alexander, the former Minister of Citizenship and Immigration Canada (now Immigration, Refugees and Citizenship Canada or IRCC) – received Royal Assent on June 19th, 2014 (Macklin, 2015). It is now legally known as the *Strengthening Canadian Citizenship Act (2014)* and various attempts were made by human rights and civil rights activists to urge Justin Trudeau – the current Prime Minister of Canada and the leader of the Liberal Party – to repeal the act, arguing that it is prejudicial, discriminatory and violates the very principles of justice and democracy (The Globe and Mail, 2015). Three years later, on June 19th, 2017, Bill C-6 was passed. This bill struck down major portions of the amendments made to the *Citizenship Act* by Bill C-24 that were deemed constitutionally problematic and contradictory to the liberal notions of a democratic form of government.

Bill C-24, as its central functioning, allowed for the revocation of citizenship from dual-national citizens convicted of treason, espionage, and offences related to terrorism and Canada’s national security matters (Macklin, 2015; Forcese, 2014). It permitted the Minister to revoke citizenship from a dual-national citizen suspected of having joined a terrorist organization or an organized armed group deemed to have been engaged in armed conflict with Canada. It also allowed the Minister to revoke citizenship from those suspected of having obtained their citizenship by means of fraud, false representation, or concealment of material circumstances (Government of Canada, 2018). Whereas, before the enactment of Bill C-24, all such cases would have been referred to the Federal Court, this bill granted the Minister the power to facilitate citizenship revocation by taking away the person’s right to appear before the judge (Macklin, 2015;

Forcese, 2014). The Minister (or a delegate chosen by the Minister) could issue a removal order for a given dual-national citizen on the above-mentioned grounds (e.g. suspicion of terrorism, fraud, etc.) based on a balance of probabilities. This bill took away one's right to appear in a court of law to dispute the allegations brought against them and allowed a dual-national citizen to be stripped of citizenship based on the Minister's "reasonable belief". By the same token, Bill C-24 expanded the conditions for a foreign national to obtain citizenship. These included numerous provisions that required permanent/temporary residents to be physically present in Canada for longer periods prior to being eligible for citizenship. For instance, this bill discounted the time international students had spent in Canada as part of fulfilling their physical presence requirement for citizenship. It also expanded the physical presence requirement from three out of five, to four out of six years for citizenship applicants. Lastly, it increased the fees for citizenship application and expanded the age bracket for minors (as young as 14 years of age) and the elderly (up to 64-years-old) to demonstrate knowledge of Canada and one of its official languages to be eligible for citizenship (Macklin, 2015).

While facilitating the citizenship revocation process for dual national Canadians suspected of having waged war against Canada (e.g. terrorism, espionage, treason, or citizenship fraud), Bill C-24 facilitated access to citizenship for permanent residents who were members of the Canadian Armed Forces. In an attempt to reward "exceptional" service to Canada and honour the members of the Canadian Armed Forces, the bill allowed for an expedited access to citizenship for those who were serving in the Canadian military (either in Canada or abroad) as permanent residents. This bill also had a provision in place to restore citizenship to those considered to be "lost Canadians". These were individuals who for a number of reasons – that I will mention in Chapter

Two – had lost their Canadian citizenship or were not “rightfully” granted one due to circumstantial issues.

It is important to mention that a great majority of amendments made to the *Citizenship Act* through Bill C-24 have since been repealed or extensively revised by the Liberal Party’s Bill C-6. Indeed, with the rise of Trudeau’s Liberal Party into power, legal revisions were made on grounds of constitutionality and based on the argument that the Conservatives’ Bill C-24 was, for the most part, contrary to the interests of Canada as a democratic country. For instance, suspected terrorists along with those who had been accused of committing offences such as treason and espionage would have to be re-directed to the Federal Court and processed through the criminal justice system (Government of Canada, 2017). Furthermore, all citizenship revocation cases based on fraud, misrepresentation, and deliberate concealment of material facts were also to be re-directed back to the Federal Court.

One important amendment by Trudeau’s Liberal Party was the residency requirements. While the Conservatives’ Bill C-24 required foreign nationals to “demonstrate” their intention to reside in Canada in order to be granted Canadian citizenship, the Liberals repealed this requirement in an attempt to afford would-be citizens the flexibility to travel outside of Canada for work and/or personal reasons. Also struck down by Trudeau’s Liberals was the requirement that applicants would have to be present in Canada for four out of six years. Trudeau’s Liberal government initiated an immediate amendment to the residency requirement and reverted it back to three out of five years (as it had been the case before Bill C-24). It is also important to mention that while Harper’s Conservatives – by means of Bill C-24 – dismissed the time spent in Canada before becoming permanent residents as counting toward fulfilling the physical presence requirement for citizenship (for instance, protected persons or international students), Trudeau’s Liberals managed

to amend this provision by affording prospective citizens the right to count each such day as a half-day toward meeting the physical presence requirement (Government of Canada, 2017).

Arguing that it is unduly harsh for children and elderly to demonstrate “knowledge of Canada” and one of its official languages to be granted citizenship, the Liberals limited the age bracket to be between 18 and 54 years old (Government of Canada, 2017). One point that is important to consider is that while the Conservatives’ Bill C-24 allowed the Minister’s office to exercise its discretion to grant citizenship in special circumstances (for example, reducing an unusual case of hardship or rewarding a service of an “exceptional” value to Canada), it did not make specific reference to the issue of statelessness. Once the Liberals came into power, they added statelessness as a stand-alone element that requires the Minister’s special consideration for the purpose of granting citizenship (Government of Canada, 2017). The Liberals also extended the right to persons with disability to be given due consideration for citizenship by the Minister during the admission process into Canada. In short, the Liberals went to great length to undo the changes made to the *Citizenship Act* by the Conservatives’ Bill C-24.

While it is true that the amendments made by Harper’s Bill C-24, for the most part, have been fully expunged or thoroughly modified, this bill serves as an example of a broader trend in how citizenship is defined and conceived in Canada. The Harper government’s Bill C-24, indeed, represents a larger trend in the conception of citizenship in Canada and how citizenship is understood in terms of rights and duties. More specifically, Canadian citizenship is a concept that has always been in a state of flux throughout history and Bill C-24 is a great example of this constant fluctuation or tension in the meaning of citizenship. Therefore, I will argue that introducing Bill C-24 and ultimately passing it as law can be, at least in part, interpreted as an attempt for the Conservative Party – the party in power in 2014 – to redefine the core principles

of citizenship. More precisely, it can be understood as an attempt to redefine the meaning of citizenship from one that is understood to be a right for the prospective and dual-national citizens, to one that is considered to be a “privilege”. Specifically, this research posits that the provisions of Bill C-24 and the arguments presented in their support during parliamentary debates seem to mark a recalibration from a more liberal conception of citizenship (with a greater emphasis on rights) to a more republican one (with a greater emphasis on duties). In this thesis, I argue that the examination of the ways in which the supportive arguments in favour of Bill C-24 are contextualized, positioned, and relayed by the Conservative Party reveal that Bill C-24 functions to swing the pendulum of citizenship from a more liberal notion toward a more republican one.

One reason why Bill C-24 is still relevant and important to the field of citizenship scholarship is that even though the Liberals went to great lengths to undo the legal modification made by this bill to reflect a more liberal understanding of citizenship and insisted less on the rhetoric of duties, they actually used the power granted by this bill more frequently than did the Conservatives. In fact, citizenship revocation (by means of Bill C-24) increased almost tenfold once the Liberals took office (Dyer, 2016). This is despite their repeated calls to restore citizenship rights and the need to afford persons accused of crime the right to due process in the judicial system (CBC, 2016). Within the first year of the Liberal Party’s rise into power, citizenship revocation increased at an unprecedented rate. In practice, they used the power granted by the Conservatives’ Bill C-24 more frequently and revoked citizenship from an important number of people – while they were also arguing for repealing it in the Parliament of Canada. Based on a report obtained from *IRCC*, Dyer (2016) contends that:

The Trudeau government used powers granted by the Harper government’s controversial citizenship law to make 184 revocation decisions without legal

hearings between November 2015 and the end of August. About 90 percent of the decisions resulted in a negative finding and the loss of a person's citizenship. Although the powers being used come from a law passed by Harper's Conservatives, they have been used much more aggressively under Trudeau (CBC News).

Another reason why Bill C-24 is important to study is the way the Liberals proceeded to undo the changes made to the *Citizenship Act* by this bill. As discussed, the Liberals enacted Bill C-6 with the intention to revise the changes in the law made by the Conservatives' Bill C-24. For instance, they cited the importance of re-directing citizenship revocation cases back to the Federal Court as opposed to leaving it to the discretion of the Minister to ensure the rights of citizens were respected. However, Bill C-6 contains some punitive elements that did not exist in Bill C-24. For instance, there was no provisions in Bill C-24 to bar individuals serving a conditional sentence from receiving citizenship or count the time spent in the community as part of meeting the physical presence requirement. It appears that Trudeau's Liberals – by means of Bill C-6 – sought the opportunity to ensure that criminal offenders are not able to take the oath of citizenship or count the time spent in the community as part of meeting the physical presence requirement (Government of Canada, 2017). Another important amendment made to the *Citizenship Act* by Trudeau's Liberal Party is giving citizenship officers the right to seize all citizenship documents believed to have been obtained by means of fraud or misrepresentation. Currently, citizenship officers have the right to detain all submitted documents that appear to be suspicious, or that the officer has 'probable cause' to believe that will be used to commit fraud. In sum, there are two main reasons as to why the study of Bill C-24 is relevant to the scholarly literature in citizenship and criminology. Firstly, the Liberals used the power of Bill C-24 (in terms of citizenship revocation) at a much more frequent rate than the Conservatives within the first year of being sworn into office – even though

they expressed their opposition during the 2014 parliamentary debates. Secondly, while the Liberals went to great length to undo a great majority of Bill C-24's provisions they considered as undermining the rights of citizens, they initiated the move to take away the rights of criminal offenders and ensured that state authorities are less restricted in their ability to detain "suspicious" citizenship documents. Thirdly, Bill C-24 reflects a broader trend in how the concept of citizenship is in a constant state of flux and is an example of how the recent conception of citizenship involves arguing for the best balance between rights and responsibilities. This bill, in a sense, can be studied as exemplary of the broader trend that is occurring in conceptions of Canadian citizenship and can serve as an example of how the notions of rights and responsibilities are converged in recent debates surrounding citizenship. The very substance of the Conservatives' Bill C-24, the parliamentary debates around its enactment, and the Liberal Party's move to neutralize its impact while using the bill more aggressively than the Conservatives who engineered it, speak to the ways in which the meaning of citizenship is constantly in tension and what determines the best balance between civic rights and civic responsibilities depends on the socio-political climate of the time.

In order to explore how provisions of Bill C-24 – and the particular lens from which the arguments in favour of them are put forth by the Conservatives – seem to mark a recalibration in the meaning of citizenship from a more liberal tradition to one that is more aligned with the republican model, I have utilized a selective set of concepts drawn from critical criminology and citizenship studies (See Chapter Three). My research question is *how do political debates revolving around Bill C-24 symbolize the tension in the meaning of citizenship for dual national citizens?*

To answer this question, I review the scholarship that looks at citizenship revocation. In doing so, I present a brief contextual overview of the politics behind the emergence of Bill C-24

and review the scholarly literature that looks at the historical and contemporary contexts of citizenship revocation. Subsequently, I review the scholarly literature in citizenship studies that focus on different understandings of the concept of citizenship. Specifically, I focus my literature review on the liberal and republican models since the scholarly debates surrounding the conception of citizenship in Canada seem to have their roots in these two models. I discuss scholars' assessment of the modern understanding of citizenship as involving elements of both liberal and republican traditions that complement each other but are also in tension and look at how the debates around citizenship tend to revolve around arguing for the best balance between rights and responsibilities (Isin & Turner, 2002; Kartal, 2002; Bellamy, 2008). Moreover, I review the literature on the meaning of citizenship in Canada and explore the main themes in the scholarly research pertaining to revocation of citizenship. These themes are explored to shed light on how citizenship revocation has historically been utilized to shape the conduct of immigrant populations in Canada and exclude the "undesired" groups – mainly, based on predetermined "favourable" characteristics and the nature of the political climate of the time (Aas, 2007; Haddad, 2007; Kinsmen, 2003; Strange & Loo, 1997; Young, 1996). I illustrate that, by using citizenship revocation as a threat, the state imposes a particular form of social control that is inherently coercive. More precisely, the state imposes a particular form of social identity to be adopted by the immigrant population while giving citizens the illusion of having the "freedom" to choose whether they "want" to conform to such social identities (Sibley, 1995; Hyndman & Mountz, 2007; Menzies, 1998). I also present the main themes documented within the literature in criminology regarding welfare-penalism of the post-war years and the rise of penal-populism in recent decades (Garland, 2001; Simon & Feeley, 2007; Pratt, 2007). By doing so, I depict the ways in which the redefinition in conception of citizenship from a more liberal tradition to one that is more oriented

toward the republican notion by means of Bill C-24 resembles the shift from welfare-penalism to penal-populist crime control policies of the neoliberal state in recent decades. I thus demonstrate how the literature in criminology documents a shift in crime control policies that marks a departure from the notion of rights to responsibilities. This documented shift in the criminal justice policies is, in turn, compared to the recalibration from a liberal conception of citizenship (based on protection of citizens' rights) to the more republican conception of citizenship (based on the notions of 'civic duty' and "deservedness").

The fourth chapter details my research design. In this chapter, I describe the methodology used along with the process of data collection. I explain how I use critical criminology as a general approach and mobilize a selective set of concepts – instead of adopting a more integrated theoretical framework – to make sense of this constant tension in the meaning of citizenship. More specifically, I mobilize a certain set of concepts drawn from works of scholars in citizenship studies and critical criminology to make sense of the fluctuation in the meaning of citizenship. I will explain in detail how surveying the works of scholars in critical criminology (such as David Garland) and citizenship studies (such as Isin & Turner, T.H. Marshall, and Bellamy) provides the conceptual tools required to understand this fluctuation in conceptualizing citizenship within Canada's current penal-populist culture of control. I will argue that within Canada's current penal-populist culture that is oriented toward retribution, punishment and management of "dangerous" offenders, crime control policies have largely departed from respecting the rights of citizens and have moved toward restoration of civic duty and making "responsibilized" citizens. Using these concepts, this thesis will demonstrate how the current recalibration of meaning of citizenship from a more liberal to a more republican notion (by means of Bill C-24) parallels the shift in crime control policies of the state that was geared toward prioritizing the welfare and equality of all

citizens in the 1960s-70s to ones that are currently directed toward excluding marginalized populations (namely, criminal offenders) and allocating civic “privileges” and benefits based on the idea of “deservedness”.

In the fifth chapter, I present my analysis. More specifically, I present the main themes that have emerged from thematic analysis of the parliamentary debates regarding Bill C-24. Upon studying the parliamentary debate surrounding citizenship revocation (Bill C-24), I came to identify certain themes that tend to present themselves recurrently throughout the dataset. I have organized these themes into separate categories and, in this section, I place them in relation to some of the concepts that have emerged from studying the literature in citizenship studies and critical criminology. I analyze these themes in relation to some of the concepts drawn from critical criminology (e.g. welfare-penalism and penal-populism) and citizenship studies (e.g. the republican and liberal traditions of citizenship, as well as T.H. Marshall’s reading of modern conception of citizenship).

In the final chapter, I present my underlying argument about the tension in the meaning of citizenship within Canada’s current socio-political landscape that is heavily oriented toward restoration of civic responsibilities and deploying punitive measures toward those who do not “live up” to their civic duties. My underlying argument is that since Canada seems to be moving toward “responsibilizing” citizens and holding citizens accountable to their actions, and the fact that there seems to be a strong emphasis on the notion of “desirable” citizens and management of “dangerous groups”, Bill C-24 can be interpreted as an attempt to bring back the traditional concepts of civic duty and responsible citizen as identified within the republican tradition.

Chapter Two: Literature Review

In this chapter, I review the scholarship that revolves around the historical and contemporary contexts of citizenship revocation. As part of this process, I present a sequence of events leading up to the adoption of Bill C-24 and provide a contextual background as to its political emergence (Kojic, 2015; Park, 2013; Anderson, 2008). Furthermore, I present the main themes in the scholarly literature pertaining to revocation of citizenship. I explore the ways in which citizenship revocation has historically been used as a means of regulating the conduct of immigrant populations in Canada and expelling the so-called “undesired” groups – depending on a given political climate (Chan, 2015; Weber, 2002; Hyndman & Mountz, 2007). I also explore the ways in which citizenship revocation has been used to articulate moral values and reinstate what it means to be a Canadian citizen in a traditional sense. Furthermore, I explore the two main models of citizenship – namely, the republican and the liberal traditions. It is important to explore these two models as debates and discussions around the conception of citizenship seem to historically originate from these two traditions (Isin & Turner, 2002; Kartal, 2002). Additionally, I present the important themes within the criminological literature pertaining to welfare-penalism and penal-populism and how they relate to questions of citizenship (Garland, 2001; Vaughan, 2000; Simon & Feeley, 1992; Garland, 1985). Specifically, I explore the shift in crime control policies that took place in parallel to Canada’s transition from the welfare-state to the neoliberal state, most noticeably, from the early 1950s up until the late 1998s. I demonstrate the ways in which the tensions in questions of citizenship, specifically, the shift from protecting the rights of citizens to restoration of responsibility and duty parallels the shift from welfare-penalism to penal-populism since the late 1970s (Garland, 2001). The transition from the welfare-state to the neoliberal state accompanies a recalibration in questions of citizenship from rights to responsibility, followed by a shift in

implementation of crime control policies that went from respecting the rights of offenders to holding them accountable for their actions.

2.1 Overview of Bill C-24 and its Emergence

Throughout the course of its time in power, the Conservative Party of Canada (CPC) has made numerous attempts to modify the *Citizenship Act* to reflect policies and guidelines that are more aligned with conservative principles and lines of thinking. This section will provide a short overview of these attempts that led to the emergence of Bill C-24 and explain how the citizenship and immigration policies in Canada have always been part of a racialized process operating on the principle of favouritism (Isin & Turner, 2002; Park, 2013; Kojic, 2015). I will also discuss how such attempts at revising the *Citizenship Act* have been made with the intention to restrict access to citizenship for those dual-national citizens who have been deemed to “lack attachment” to Canada and who possess Canadian citizenship “for convenience” – as the Conservatives see it.

Bill C-37 – *An Act to Amend the Citizenship Act* (2007) – is commonly referred to as Bill C-24’s predecessor. It was introduced by the CPC in 2007 for two main stated reasons: First, to resolve the problem of the so called, “lost Canadians” and, second, to address the controversy regarding the case of “citizens of convenience” (Kojic, 2015). The “lost Canadians”, in this context, refer to those persons who had lost their Canadian citizenship due to various legal modifications that were previously made to the *Citizenship Act*. For instance, some individuals lost their Canadian citizenship between January 1, 1947 and February 14, 1977 because “they or their parent/s acquired the nationality or citizenship of another country” (Parliament of Canada, 2008). Another example is those who were born to Canadian parent/s abroad before the *1977 Citizenship Act* took effect and, therefore, not recognized as Canadian citizens (Parliament of Canada, 2008).

These lost Canadians also included those who had become Canadian citizens through naturalization but lived abroad for ten or more years prior to 1967. According to the Government of Canada “in most of these cases, the individuals were unaware that they had lost their Canadian citizenship until they had to apply for a certificate of Canadian citizenship or other documentation – mostly, for travel purposes” (2008). In such cases, the bill aimed to reinstate Canadian citizenship for those who could effectively prove their European ancestry and back up their claims of being a Canadian citizen through heritage (Kojic, 2015). The second aspect of the bill aimed at neutralizing the tensions regarding the issue of “citizens of convenience”. Bill C-37, in this context, functioned to ease the tension by introducing the ‘first generation rule’ to citizenship, according to which, second-generation (and subsequent-generation) Canadians born overseas would be barred from having Canadian citizenship (Kojic, 2015). In sum, the bill was designed to ban immigrant populations to pass on their Canadian citizenship status onto their offspring and grandchildren if they lived overseas. It is important to note that the bill is inherently discriminatory in practice and racialized in principle since it assumes a quality of suspicion directed at dual-national citizens with non-European ancestry, while effectively helping to restore citizenship status for the ones with European origin.

In June 2010, Minister for Immigration, Citizenship and Multiculturalism – Jason Kenney (2008-2012) – introduced Bill C-37: *Strengthening the Value of Canadian Citizenship* (2010). The purpose of the bill was to make further amendments to the *Citizenship Act* by solidifying the integrity of Canadian citizenship, as Bill C-37 had originally intended to do. To this end, Bill C-37 was framed by the CPC as a necessary measure to address the ongoing debates surrounding dual-national citizens of “convenience” – particularly those dual-national citizens who had lived abroad for long periods of time. The bill also intended to target the issues of crooked immigration

consultants and sought to strengthen the integrity of Canadian citizenship by increasing the penalty for citizenship fraud and banning convicted criminals from seeking or maintaining citizenship (Kojic, 2015). Bill C-37 did not receive Royal Assent at the House of Commons; however, the Conservatives were able to get one element of the bill enacted into law through a separate bill named Bill C-35. This bill was enacted into law as *Cracking Down on Crooked Consultant Act* (2010) which established a regulatory body that oversees and regulates the operations of immigration consultants (Parliament of Canada, 2010). Soon after Bill C-37 died in 2011, the CPC introduced Bill C-425 (2012): *An Act to Amend the Citizenship Act (Honoring the Canadian Armed Forces)*. This bill was introduced pursuant to Bill C-232 that had been abandoned in 2006 and sought to fast track citizenship access for permanent residents who had served in Canadian Armed Forces. In addition to this, Bill C-425 (2010) sought to revoke citizenship from those who had waged war against Canada. The attempt, however, proved unsuccessful as the bill was abandoned.

Almost three years later, the CPC tabled Bill C-24: *Strengthening the Canadian Citizenship Act* (2014) which is the focus of this thesis. The bill is very similar to its predecessors and was considered to be a “dream come true” for the CPC who had long sought to address the controversies around citizens of “convenience”, citizenship fraud, and the issues of “lost Canadians” (Kojic, 2015).

Once Bill C-24 was enacted into law, the Minister of Citizenship and Immigration – Chris Alexander (2013-2015) – made a controversial statement that “this bill would remind individuals that citizenship is not a right, it’s a privilege” (cited in Macklin, 2015, p. 9). As I will explain in Chapter Five, this is a statement that echoes the republican conception of citizenship and it is intended to redefine the meaning of Canadian citizenship in terms of who “deserves” to have access to it and what responsibilities are assumed for those who have been granted this status. This

statement signifies an attempt on part of the former Minister to advocate for a republican tradition of citizenship in which the importance of civic duties of Canadian citizens (to both their peer citizens and to the state) precede those of civic rights (Bellamy, 2008; Kartal, 2002; Dagger, 2002). The statement, in fact, testifies to a conservative line of thinking rooted in the republican model of citizenship in which naturalization is assumed to be a “privilege” granted to a selected few who are considered “deserving” and “desirable” and carry out their civic responsibilities in exchange for having been granted certain civic rights. This is indeed contrary to the liberal tradition in which citizenship (and all the privileges that come with it) are assumed to be one’s constitutional and very basic right since everyone is protected by and equal under the law (Marshall, 1977; Marshall & Bottomore, 1992).

Once this bill was enacted into law as the *Strengthening Canadian Citizenship Act*, civil rights groups such as Amnesty International criticized the CPC for creating a two-tiered system of citizenship in which dual-national citizens are rendered second-class citizens and “less Canadian” than mono-nationals (Forcese, 2014). Indeed, the most controversial aspect of the bill was the fact that citizenship revocation cases were no longer coming before a Federal Court judge but were rather dealt with by the Minister of Citizenship and Immigration (or a delegate). In light of this, human rights activists – including the Toronto-based lawyer, Rocco Galati – publicly challenged the bill on constitutional grounds and pointed out the grave risks to the dignity and well-being of immigrants and populations of dual-citizens who were assigned a second-class status as a result of this legislation (CBC, 2014). In response, the CPC members in support of the bill submitted that it strengthens Canadian citizenship by establishing a less costly and more efficient processing system, and by “protecting” it against those who want to hurt the citizenship and immigration

system¹. The Liberals voiced their opposition by arguing that Canada is a world-leader in welcoming newcomers and draws its economic and cultural strength from the diversity and hard work of immigrant populations. Liberals, accordingly, argued that Canada takes pride in multiculturalism and criticized the CPC for throwing an ugly gesture against the great populations of immigrants who have contributed to the economic, social and cultural welfare of Canada through hard work, nation-building and rich diversity².

2.2. Literature on Citizenship Revocation

2.2.1 Historical Context of Citizenship Revocation

According to scholars in citizenship studies, the Canadian government has adopted formal procedures to allow foreign-born individuals to commence the application process for becoming naturalized Canadian citizens since Confederation (Anderson, 2008; Abu-Laban, 2015; Sobel, 2015). In the current context, this takes place under the *1976 Citizenship Act*. As Anderson (2006) puts it, according to Citizenship and Immigration Canada, the country “has a long tradition of welcoming newcomers because they increase the diversity and richness of Canadian society” (p. 80). Anderson (2008) further states that compared to other immigrant-receiving countries, Canada is often identified as having more inclusionary immigration policies and admission processes. International comparative scale reveals that Canada is often singled out as having adopted one of the most generous immigration policy systems across the world with the emphasis on building the nation’s economic and social welfare (Chapnick, 2014; Winter, 2014). Kojic (2015), on the other

¹ Intervention by Chris Alexander, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1530

² Intervention by John McCallum, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1640

hand, contends that contrary to popular belief, this process of admitting immigrants into Canada has historically been a racialized process, favouring certain groups of newcomers over others. As Kojic (2015) puts it, “the overarching purpose of the changes to Canada’s immigration system has been to increase Canada’s competitiveness in attracting ‘the best and brightest’ immigrants” (p. 2). In a similar context, Smith (2002) depicts the selective processes that are embedded within immigration policies of most countries in the Western hemisphere (including Canada). These countries, according to these authors, are oriented toward admitting certain groups of immigrants over others. More specifically, they point to a certain degree of nationalism that guides the immigration policies of Western nations that favour those immigrants who have a genetic/espousal relation to current occupants as opposed to others with no genetic or social ties. As Smith (2002) argues:

Immigration policies in Western Europe, the USA, and elsewhere generally include some form of favoritism for those who can claim kinship with current citizens, without any effort to ascertain if their commitment to civic principles is really stronger than those of applicants with no citizen relatives. National and international courts in the USA and elsewhere also continue to make the narrower, protection-centred view of citizenship legally authoritative in many contexts, even when clearly illiberal, unrepublican ethnic nations are involved. (p. 110)

It is important to mention that even though the literature surrounding the subject of citizenship revocation in Canada is limited, the concept of citizenship revocation is often brought up when addressing the equality of citizens in the Canadian context. More specifically, there seems to be a consensus amongst scholars in citizenship studies that although all Canadians are assumed to be “equal” as citizens, the very definition of this “equality” and the mechanisms through which it has

been applied has varied historically; particularly, in terms of citizenship revocation. Despite the fact that all Canadians are said to be “equal” as citizens, the concept of citizenship revocation operates to make a distinction between the ones who are born in Canada and possess their citizenship as a right, from those that are born outside of Canada (or those born in Canada but also holding citizenship of another country) and for whom citizenship is assumed to be a privilege (Anderson, 2008; Abu-Laban, 2015; Sobel, 2015).

According to scholars such as Avery (1979) and more recently Anderson (2008), native Canadians and foreign-born nationals have always been distinguishable by the possibility of the latter having their Canadian citizenship removed. From a historical perspective, these authors argue that while the former group has, for the most part, been secure in its status, revocation of citizenship for the latter group has been taking place since the *1868 Naturalization Act*. In fact, revocation of citizenship in the late 1800s was restricted to cases where untruthful statements were provided under oath or false sworn affirmations were given to government authorities under the *1868 Naturalization Act*. Once the *1914 Naturalization Act* came into effect, the discretion of the state was broadened to allow revocation of citizenship from individuals who obtained a certificate of naturalization by use of false representation and/or fraud – including the possibility of revoking citizenship from the person’s children or dependants (Anderson, 2008). It is important to mention that the extent and the frequency with which these practices were used remain somewhat unknown but they substantially increased after the First World War (Anderson, 2008). According to Kojic (2015), after the First World War, there was a wide-spread concern over the presence of Canadians who had been born in countries that were engaged in armed conflict with Canada or individuals who were foreign-born “criminals” or labour activists. Thus, amendments were made to the *Immigration Act* in 1919 that were primarily aimed at expanding the grounds upon which

citizenship revocation could occur (Anderson, 2008; Kojic, 2015). Under the provisions of these new amendments, the citizenship of a foreign-born Canadian could be stripped off following the Secretary of State's report to the Federal Cabinet. The conditions for which citizenship could be revoked included:

obtainment of certificate of naturalization through deliberate concealment of material facts, disloyalty to His Majesty, communication with enemy, lack of good character (at the date which certificate was granted), living outside of Britain or a British colony for a period of seven years or more, or being a citizen of a country that is engaged in armed conflict with Britain. (Anderson, 2008, p. 85)

During this period, it is important to note that the discretionary power to notify the accused of the possibility of citizenship revocation were laid solely in the hands of the Secretary of State. One year later, in 1920, the state made further amendments to include revocation of citizenship from foreign nationals who were convicted of a criminal offence and received a lengthy prison sentence (Anderson, 2008).

The issue next came up in 1946 with the introduction of the *Canadian Citizenship Act*. It was then that the Secretary of State referred to "equality of all citizens" as he introduced this legislation, but it is important to mention that the revocation of citizenship remained intact and served as a tool to distinguish between the Canadian-born and the naturalized citizen (Anderson, 2008; Abu-Laban, 2015). This new legislation, effectively, required the state to notify the accused of the government's intention to revoke the citizenship of the subject citizen. Interestingly, during this period, the Liberal Party switched from being opposed to citizenship revocation to defending it, and, in fact, sought to expand the grounds for citizenship revocation but it was met with opposition from the CPC (Anderson, 2008). The Liberal Party's pro-citizenship revocation agenda

was influenced by the political climate of the time – in particular, the aim of the Liberal Party to deport Japanese-Canadians – whether naturalized or Canadian born (Anderson, 2008; Abu-Laban, 2015).

According to scholars in citizenship studies, namely Kymlicka (1998), Jenson (2006) and Bloemraad (2006), with the introduction of the *1976 Citizenship Act*, the issue underwent drastic changes. As they claim, the sole ground for citizenship revocation became the obtainment of citizenship by means of false representation, fraud, or concealment of material facts (Kymlicka, 1998; Jenson, 2006; Bloemraad, 2006). These authors also argue that all cases would have been directed to the Federal Court once the Minister was satisfied that there was sufficient ground for revocation of citizenship. Additionally, the decision of the Federal Court was not subject to appeal. According to these scholars, in the process of passing the *1976 Citizenship Act*, the Canadian government insisted on the desire to promote equality amongst all citizens and emphasised that changes to the policies of citizenship revocation were solely made for this purpose (Jenson, 2006; Anderson, 2008; Kymlicka, 1998; Bloemraad, 2006). As Anderson (2008) summarizes, “in keeping with the idea that full citizenship is about having equal rights and protections, the *1976 Citizenship Act* was created to underscore the equality of all Canadian citizens” (p. 82). Consequently, the issue of citizenship revocation was rarely brought up for a period of at least nine years until the government tried to remove suspected Nazi war criminals from Canada in 1985. When the Canadian government established a Commission of Inquiry on War Criminals in 1985, the commission made specific recommendation that amendments had to be made to the legislation to allow for revocation of citizenship from naturalized citizens who engaged in commission of war crimes (House of Commons, 1987). The commission recommended that “the law be amended to make participation in war crimes a specific ground for revocation of citizenship” (House of

Commons, 1987, p. 4077). The government (in response to these recommendations) initially rejected the recommendations and kept on prosecuting suspected war criminals in the courts, but due to failure of securing criminal convictions, the government decided to start revoking citizenship from this group of naturalized citizens.

2.2.2 Contemporary Context of Citizenship Revocation

In the current context of citizenship revocation, the issue is not whether one is a foreign national or a native Canadian – since, according to Anderson (2008), these two groups have historically been distinguishable by the members belonging to the former group being at risk of losing their citizenship. In the current context, the issue around revocation of citizenship revolves around the question of whether a given person (be a native Canadian or a foreign national) is considered a dual-national citizen. For instance, a Canadian-national (born in Canada) to parents who hold citizenship of another country that allows for the transmission of citizenship by blood would have dual-national citizenship and could have their Canadian one revoked. Contrastingly, a foreign-born Canadian citizen who lost the citizenship of their country of origin (because, for example, the country in question does not allow for dual-national citizenship) would have mono citizenship and could therefore not lose it (Macklin, 2015).

According to leading authors in citizenship studies, such as Abu-Laban (2002), even though the practice of citizenship revocation has a longstanding history and it is inherently a political enterprise, the politics of citizenship revocation in Canada and the very elements that gave rise to and sustained its political nature changed significantly after the events of 11th September 2001. As Abu-Laban (2002) puts it, “there is little doubt that this event has become a politically significant marker (p. 461). Other scholars in citizenship studies make a similar claim that the political narratives and agendas surrounding citizenship and what it means to be a Canadian citizen

changed significantly as debates around citizenship revocation came to get caught up with various national security discourses and politics after the terrorist attacks (Sobel, 2015; Chapnick, 2014; Stasiulis and Ross, 2006). These authors also posit that although the Canadian government has continuously rejected critics' assertions that policy proposals regarding citizenship revocation have come to be heavily influenced by these events, it had a difficult time maintaining its position in the face of Bill C-24 (Sobel, 2015; Chapnick, 2014; Stasiulis and Ross, 2006). According to Macklin (2015) and Forcese (2014), what distinguished this bill from previous legislations pertaining to citizenship revocation was its ability to target both naturalized and birthright citizens. Since the *1961 Convention on the Reduction of Statelessness* would have prohibited the Canadian government from allowing denationalization where it would result in statelessness, these authors state that Bill C-24 targeted a broader class of citizens – namely, those Canadian citizens who are also citizens of another country by the sole virtue of being related to either a spouse or a direct relative from that region (Macklin, 2015; Abu-Laban, 2015). To put it in practical terms, a Canadian-born citizen who has been raised in Canada, carries only a Canadian citizenship, and has never, perhaps, stepped outside of the country, may have been considered a dual-national citizen for having been born to an immigrant family in Canada or having been married to a person from overseas, if they likely received the citizenship of another country through their parents or spouse. As such, these citizens may have found themselves facing citizenship revocation and facing deportation to their parent/s' (or spouse's) home country for having committed any of the prescribed criminal offences contained in Bill C-24. Macklin (2015) points to Section 10.4(2) of the *Strengthening Canadian Citizenship Act* which also lowered the standard of proof by making the existence of another citizenship a matter of “reasonable belief” as opposed to an objective or a verifiable document. Forcese (2014) by the same token underscores the gravity of the issue by

pointing out that once the Minister – or a delegate – formed the opinion that the subject citizen was, more likely than not, a citizen of another country, the burden of proof lied on the citizen to demonstrate, based on a balance of probabilities, that the Minister’s (or the delegate’s) reasonable belief was incorrect and that the revocation of citizenship would have resulted in statelessness.

According to Macklin (2015), one specific provision under which citizenship could have been revoked from dual nationals by birth or naturalization was fighting for an enemy force. In specific, if the Minister had reasonable ground to believe that an individual (a Canadian citizen) served as a member of an armed force of a country or was a member of an ‘organized armed group’, and that country or group was engaged in an armed conflict with Canada, then the Minister had the right to commence the process of citizenship revocation. But one criticism in the literature is that Section 46(1) of the *Canadian Criminal Code* already has a provision in place to penalize “any citizen who, inside or outside Canada, levies war against Canada or does any act preparatory thereto; or assists an enemy at war with Canada, or any armed forces against whom Canadian Forces are engaged in hostilities” (Macklin, 2015, p. 87). According to Macklin (2015), the only difference between Bill C-24 and Section 46(1) of the *Canadian Criminal Code* in this specific instance was that Bill C-24 allowed for an inclusion of membership in an ‘organized armed group’; therefore, capturing non-state military forces such as the Taliban, Al-Qaeda, and more recently the Islamic State. In light of this, Macklin (2015) and Forcese (2014) make the argument that the government could have simply amended the *Criminal Code* to include membership in an ‘organized armed group’ such as the Islamic State as constituting a criminal offence (e.g. high treason or espionage) and holding the individual accountable and subject to punishment by law as indicated in the *Criminal Code*. But insidiously, Bill C-24 (which did not amend the *Criminal Code*) allowed for a speedy process of citizenship revocation and ultimately deportation on the

basis of a balance of probabilities that the person was involved in such a group, and without carrying the effort of having the person go through a criminal trial and receiving a criminal conviction. In Macklin's (2015) view, Bill C-24 served the same goal of subjecting someone to deportation after imposing a criminal conviction without affording the defendant the right to defend themselves in a criminal court where proof has to be established beyond a reasonable doubt. The disproportionately harsh and punitive nature of Bill C-24 becomes clear by looking at how it allowed for revocation of citizenship for an offence that is practically identical to high treason but circumvents appropriate judicial proceedings.

The scholarship is replete with critiques of expulsion as a quick way to deal with issues related to national security and terrorism and questions about the effectiveness of exporting the "threat" beyond the borders of the state (Benhabib, 2005; Bloch and Schuster, 2005; Bonner, 2007; Bosworth, 2008; DeGenuva and Peutz, 2010; Ellerman, 2008; Ellerman, 2009; Gibney, 2008; Fekete, 2005; Schuster, 2005; Walters, 2002; Paoletti, 2010). One common argument in the scholarly literature regarding the states' preference to expel presumed terrorists (and those who potentially pose a threat to a sovereign nation's security) instead of processing them through the court system is in relation to the limitations of the law to meet the burden of proof and issues related to preservation of security and intelligence (Paoletti, 2010; Marone, 2017; Ganor, 2005). The argument is that processing suspected terrorists through the traditional means of the criminal justice system may be costly and jeopardize the integrity of intelligence-based information. Moreover, the evidence against such individuals may not be strong enough to pursue an indictment or secure a conviction (Paoletti, 2010; Marone, 2017; Ganor, 2005). As Marone (2017) puts it:

As some counter-terrorism experts have noted in this respect, dealing with extremists and suspected terrorists via the regular criminal justice system may be difficult because

it may not be clear that laws have been broken and it is frequently not possible to prosecute suspects without compromising sources and methods of intelligence. (pa. 24)

Another argument in the literature in citizenship studies – more directly related to Bill C-24 – is that there is no reason to believe that the physical expulsion of a citizen who is, perhaps, intending to harm the unarmed civilians neutralizes the potential terrorist threat in an effective way and would deter or incapacitate that individual from waging war against Canada (Macklin, 2015). Stripping citizenship from, for instance, a known member of the Islamic State who has taken part in a plot to hijack a commercial airliner with the goal of inflicting mass casualty does not necessarily amount to an effective disruption of sophisticated and pre-mediated terrorist attacks of such nature. Macklin (2015) argues that the expelled citizen possesses (to a lesser or greater extent) similar resources prior to being deported and their permanent removal from the country would only mean that they would then be able to wage war against Canada from outside. Deporting the so-called “terrorist” has very minimal impact on preventing a carefully-crafted attack from taking place or a potential terrorist plan being permanently dismantled.

One important point in the scholarly literature specifically related to Bill C-24 is that contrary to a very fundamental principle of justice that safeguards a citizen from being subjected to punishment in an arbitrary fashion, Bill C-24 violated that principle in its inconsistency of application. The fact that citizenship revocation under Bill C-24 applied only to dual-national citizens and spared mono-citizens violated the very principle of ‘non-arbitrariness’ requiring that a nexus between punishment and offence be maintained. In this context, the fact that an individual was a citizen of another country remained extrinsic to the nature and gravity of the offence; therefore, revoking a dual-national citizen’s citizenship while sparing a mono-citizen was arbitrary

(Macklin, 2015; Forcese, 2014). For instance, mono-citizens who committed high treason received a criminal punishment of life imprisonment but when dual-national citizens committed the same offence, they no longer needed to be prosecuted under the *Criminal Code* (although they also could be) because they became subject to citizenship revocation under Bill C-24 and ultimately deported (Macklin, 2015). In simple terms, two different types of punishment were being imposed for the same offence, making it arbitrary, according to Macklin (2015).

As findings of Forcese (2014) and Macklin (2015) suggest, another problematic component of Bill C-24 pertains to its adverse effect on the mobility rights of naturalized citizens. In fact, Section 6 of the *Charter of Rights and Freedoms* states that “every citizen has the right to enter, remain in, and leave Canada”. At the same time, Section 3 of Bill C-24 made it a requirement that the prospective applicant, if granted citizenship, must have the intent to continue to reside in Canada. Therefore, if an applicant, on a balance of probabilities, is considered to “lack the intent” to reside continuously in Canada, this person can be denied access to citizenship (Forcese, 2014). Similarly, under section 10(1) of the *Strengthening Canadian Citizenship Act* (Bill C-24), if the Minister – or a delegate – formed the opinion that the prospective citizen misrepresented information as to their intention to continue to reside in Canada, then the respective authorities had the power to revoke that person’s citizenship since it constituted obtainment of citizenship by means of misrepresentation, fraud, or concealment of material facts (Forcese, 2014). Undoubtedly, forcibly compelling someone to reside in Canada after the person has become a naturalized citizen with the threat of citizenship revocation is nothing short of violating Section 6 of the *Charter of Rights and Freedoms* that protects one’s mobility rights (Macklin, 2015; Forcese, 2014). Furthermore, this provision contained in Bill C-24 could be interpreted as a control measure directed at regulating conduct of immigrants both prior and after naturalization. Since it is illegal

for the government to explicitly compel a naturalized citizen to live in Canada, requiring the would-be citizens to declare their intent to continue to reside in Canada during the application process, and subsequently threatening to revoke their citizenship if they do not fulfill that condition, served as a substitute for this otherwise unconstitutional arrangement. The following section will provide a review of literature and sheds light on the nature of the mentioned relationship between conduct regulation and the concept of citizenship revocation.

2.3. Literature on the Meaning of Citizenship

2.3.1 Moral Regulation, Control of Conduct, and Conditional Citizenship

The notion of morality seems to play a crucial role in the scholarly debates surrounding citizenship revocation and provides a basis for understanding how the Canadian government engages in management and control of immigrants (Chan, 2005; Valverde, 1991; Weber, 2002; Menzies, 1998; Hyndman & Mountz, 2007). Indeed, the literature in this area suggests that, historically, when it comes to reinstatement of moral values and restoration of control over immigrant populations, citizenship revocation does not necessarily function as the end outcome but, most often, presents itself in terms of a threat (Chan, 2015; Weber, 2002; Hyndman & Mountz, 2007). In this context, various state actors and officials play a role in shaping and, in turn, re-shaping the conduct of individual immigrants and their families (Menzies, 1998; Chan, 2015). From a historical perspective, the number of immigrants who have been subjected to investigation for the purpose of having their citizenships revoked is significantly greater than the ones whose citizenship status has actually been revoked (Chan, 2005). Therefore, citizenship revocation can be seen as serving a behavioural regulatory function as much as operating as a means of physical expulsion (Chan, 2005; Menzies, 1998). In a system that operates as both regulatory and

exclusionary, the individual immigrant subject is considered to have “moral agency” and to be responsible for making decisions while differentiating between what is “right” and what is “wrong” (Chan; 2015; Weber, 2002; Menzies, 1998). Consequently, citizenship revocation within this political context can be considered to have a regulatory function of reaffirming traditional moral values and constituting “good” immigrants. It also serves as a means of deterring “immoral” behaviour and punishing or reforming “bad” ones. As findings of Strange and Loo (1997) indicate, in the past, determining who could enter Canada, remain in the country, and be considered Canadian, and who had to be deported, was a way of structuring the morally desired character of the nation and establishing the traditional norms and values. Immigrants who were deemed to be of “low quality” for being “morally inferior” and not meeting standardized moral principles would become subject to various forms of conduct regulation, one of which included being threatened with having their citizenship revoked (Strange & Loo 1997; Chan, 2015).

The scholarship on conditional citizenship as a technology of moral regulation is particularly useful as the patterns it describes are also evident within the current context of citizenship revocation in Canada (Vaughan, 2000; Garland, 1985; Bailey, 1987; Barbalet, 1988; Turner, 1993; Bulmer and Rees, 1996). As the literature in this area suggests, one’s enjoyment of a certain set of civic and citizenship rights are conditional upon demonstrating a certain form of behaviour that is aligned with a particular set of civic standards (Turner, 1993; Vaughan, 2000). More specifically, the argument in citizenship studies scholarship is that citizenship rights are not absolute but rather conditional in a sense that citizens of a given civil society must abide by a certain code of behaviour – that the society views as standardized, expected and appropriate – rendering the citizen deserving of citizenship rights (Elias, 1982; Barbalet, 1988; Turner, 1993; Vaughan, 2000). As Vaughan (2000) posits, “rights are only granted and recognized if one

possesses a certain status which is held to be legitimate so that citizenship first rests upon people exemplifying certain common standards of behaviour upon whom the rights will then be bestowed” (p. 25). More specifically, one argument in the literature is that citizenship is not a fixed or an all-encompassing status. Rather, it is conditional and fluid in the sense that, as Vaughn (2000) argues, there are some groups that are considered to be “partly in and partly out” and for whom citizenship is a conditional status that can be granted or retracted (p. 26). These groups are considered to be occupying the space between full citizenship and non-citizenship where their acquirement or loss of citizenship status is contingent upon following a certain set of behavioural rules and demonstration of character competency (Bulmer and Rees, 1996; Vaughan, 2000). As findings of Vaughan (2000) and Turner (1993) along with Bulmer & Rees (1996) suggest, through conditional citizenship, these groups that may be depicted as “partial citizens” are expected to regulate themselves (through communal ties) and demonstrate their competency and deservedness to be recognized as full members of a civic community. In fact, current policies regarding citizenship and naturalization that function to facilitate the admittance of certain groups of individuals while at the same time limiting access for others resemble this line of thinking. Certain bodies of discourses, policies and legislations (for instance, Bill C-24) that come into effect to tighten the conditions of citizenship obtainment for certain class of immigrants that are considered “undeserving” while facilitating the process for the ones who are considered “suitable” and “rightfully entitled” reflect what Canada favours as a “good citizen” (Macklin, 2015). Language proficiency tests, longer presence in the country requirements before being qualified for citizenship and less forgiving age requirements for taking the citizenship test all speak to Canada’s favoritism toward the young, middle class, English-speaking, and abled-body subjects as “appropriate” and “favourable” citizens.

2.3.2 Recalibration in Meaning of Citizenship

Another topic discussed in the literature concerns the extent to which citizenship has changed over time in Canada. Indeed, much of the scholarly literature suggests that even though there have historically been some minor changes in the ways in which the state defines the meaning of being a Canadian citizen (contingent upon the political climate), the core elements of what constitutes a citizen of Canada have remained intact to a considerable degree (Sobel, 2015; Chapnick, 2014; Anderson, 2008). Notably, these elements include, although not limited to, morality, responsibility, contribution to economic and social welfare of Canada, contribution in politics – namely, voting and being able to run for office – and loyalty to the country (Sobel, 2015; Chapnick, 2014; Winter, 2014). As many scholars explain, from a historical perspective, the land that is now Canada was initially home only to First Nations people and was colonized by settlers from France and Great Britain. They were later joined by other White European settlers, and by racialized immigrants who had been displaced by colonialism. In this respect, Canada is often identified within the international community as a nation of settlers whose occupants have been naturalized as Canadian citizens through the process of assimilation and integration into the various institutions of the country (Sobel, 2015; Winter, 2014; Abu-Laban, 2015). More importantly, this process has historically been influenced by the narratives and relevant political discourses that shape the meaning of citizenship in accordance to the relationships among people, and people with the state (Sobel, 2015; Winter, 2014; Abu-Laban, 2015). Politics and social relations have historically played key roles in informing the meaning of Canadian citizenship. One argument is that, similar to any other country of immigration, Canada is constantly engaged in constructing the meaning of citizenship and national identity which, in turn, informs what a ‘Canadian identity’ ought to be (Sobel, 2015; Winter, 2014; Chapnick, 2014). Indeed, Canadian

citizenship can be described as a complex phenomenon that is subject to various debates, including those emerging as a result of immigration to the country in recent decades. Regarding the complexity of the meaning of Canadian citizenship, the findings of Abu-Laban (2015) and Sobel (2014) suggest that due to Canada's roots as a settler-colony, and the contemporary changes in policies of immigration that invite migrants from all over the globe, the existence of state practices that may discriminate against certain groups of newcomers is inevitable in the processes of defining citizenship. Therefore, the meaning of being a Canadian citizen is inherently multi-faceted due to a continuous indigenous history of First Nations people that runs parallel to, is affected by, and intersects with the history of early colonizers from Great Britain and France, followed by other European settlers, and more recently the immigration of people who are different in terms of socio-economic status, race, and nationality throughout the world (Sobel, 2014; Chapnick, 2014; Winter, 2014). In this respect, trying to construct a unified definition of citizenship while attempting to capture the inherent differences that exist amongst the individuals that make up the population of Canada only leads to increased complexity and ambiguity, and the existence of policies that inevitably discriminate against certain groups and protect the interests of others (Sobel, 2014; Chapnick, 2015; Winter, 2014).

Chapter Three – Theoretical Framework

This thesis explores the ways in which political debates surrounding changes in the law regulating the revocation of citizenship in Canada illustrate tensions in the meaning of citizenship for citizens with dual-nationality. The literature reviewed suggests that, on the one hand, the use of citizenship as a tool for the moral regulation of the naturalized immigrant population has remained rather constant throughout history (Chan, 2005; Valverde, 1991; Weber, 2002; Menzies, 1998; Hyndman & Mountz, 2007). In this context, it is not surprising to see that scholars working on citizenship revocation in general (Anderson, 2008; Park, 2013; Kojic, 2015) and those who have commented on Bill C-24 specifically (Macklin, 2015; Forcese, 2014), see it as embedded in a long tradition. At the same time, the scholarship suggests that there has also been a qualitative shift in the meaning of citizenship in recent years (Abu-Laban, 2002). In this chapter, I turn to the theoretical literature in citizenship studies and in critical criminology and offer an overview of the more conceptual scholarship that may allow us to make sense of these changes. I first present my general theoretical orientation as a critical criminologist (section 4.1). I then introduce citizenship studies (section 4.2) and present in great detail the distinction that scholars establish between a republican conception of citizenship (section 4.2.1) and a liberal conception of citizenship (section 4.2.2) before showing how they are both integrated yet in tension in T.H. Marshall's reading of modern citizenship (section 4.2.3). After this review of concepts borrowed from citizenship studies, I move to a discussion of conceptual arguments made in critical criminology that describes a similar shift in criminal justice policies (section 4.3). I specifically look at Garland's conceptualization of a shift from penal welfarism to penal populism (section 4.3.1), the related politicization of crime and the return of a 'criminology of the other' (section 4.3.2) and the ways that this distinct rationality proposes to manage "dangerous groups" (section 4.3.3). I conclude this chapter by listing and

briefly defining the key concepts that I draw from this scholarship and operationalize in this research.

3. 1 General Theoretical Orientation

This research is informed by critical theory because, as an anti-oppressive researcher working on this subject, I want to actively contribute to the transformation of unequal world structures and take a political stance by challenging existing power relations. Drawing from critical theory, this paper aims to critique the underlying and inherently oppressive issues that inform the very shape and formulation of social, political, and legislative processes that discriminate against immigrants and citizens with dual-nationality in Canada. It is important to mention that this research is oriented toward a specific stream of critical theory called ‘critical criminology’. This particular strand of critical theory, according to Schwartz & DeKeseredy (2014), is concerned with “major structural and cultural changes within society as essential steps to reduce crime and promote social justice” (p. 1). As the authors argue, critical criminologists critique mainstream criminologists for placing a heavy emphasis on the importance of punitive responses or correction of individual offenders while undermining the importance of societal relations and structures and preferring to leave the overall capitalist economic structures untouched (Schwartz & DeKeseredy, 2014). Most importantly, critical criminology strongly objects to the mainstream policies of Western penal institutions for being increasingly oriented toward harsher prison sentences, building more prisons, privatizing correctional facilities and the using community service as a form of punishment during probation or parole. What differentiates this specific stream of criminology from the mainstream, reform-oriented criminology is that critical criminologists, broadly speaking, have the tendencies to take a peace-making approach toward crime and consider punitive and aggressive crime control

policies to be counterproductive. Critical criminology departs from war on crime strategies of mainstream criminology and calls for an inclusionary approach to crime with the aim to promote social justice (Schwartz & DeKeseredy, 2014). In the following section, I first present concepts from citizenship studies and return to critical criminology in Section 3.3.

3.2 Citizenship Studies

Since this research is concerned with meanings of citizenship, it is necessary to look at this concept as it developed in citizenship studies. Citizenship scholars consider that citizenship is more than a legal status and can include a wide range of political practices (Isin & Turner, 2002; Kartal, 2002). While there exists a great number of definitions, it is quite common to define citizenship as “passive and active membership of individuals in a nation-state with universalistic rights and obligations at a specified level of equality” (Janoski & Gran, 2002, p. 13). That being said, citizenship has historically been tied to the polity, and with the advent of the modern nation-state, is often associated with it. Because my interest is in the way that the meaning of citizenship is being redefined in Canada for dual-citizens through Bill C-24, it makes sense to focus more directly on the historical conceptions of citizenship that have influenced how it has been conceptualized in relation to political entities such as the Greek polis, the Roman Empire, and modern nation-states. Two key models of citizenship are discussed in citizenship studies – namely, the republican conception and the liberal conception – both of which are later integrated in modern notions of citizenship informing most modern nation-states’ legislation on the matter. My theoretical framework is, for the most part, informed by these two foundational models as they provide me with the conceptual tools to make sense of this current tension (or fluctuation) in meaning of citizenship. Since my thesis focuses mainly on the meaning of citizenship and the use

of citizenship revocation, I am mobilizing the republican and liberal models of citizenship (and the key elements contained within these two classic models) as conceptual tools to make sense of the tension in meaning of citizenship discussed throughout this paper. Since these two classical traditions seem to inform the debates around citizenship and the literature suggests that there has always been a fluctuation in meaning of citizenship in Canada, it makes sense to situate my theoretical lens within these two models – both of which are incorporated into the modern understanding of citizenship and, in turn, play a key role in informing the policies and debates in most modern nation-states regarding this matter.

From a historical perspective, discussions around the concept of citizenship revolve predominantly around two specific models: the republican and the liberal (Leydet, 2014). The following paragraphs will explain each conception to show how they have evolved historically and lay the foundational ground to explain the current tension between rights and obligations in conceptions of citizenship. Understanding how these two models have developed over time is crucial in comprehending how Bill C-24 can be understood as an attempt to recalibrate the focus in conceptions of citizenship from protection of rights to restoration of responsibilities.

3.2.1 The Republican Conception of Citizenship

The republican model of citizenship can be traced back to ancient Greece and it is principally drawn from writings of Aristotle and what is known in terms of the political system in Athens at the time. The essential component of this model of citizenship as originated from the Greek political system is the equality of citizens as rulers or makers of the law and there is a great emphasis placed on the notion of ‘equal political participation’ on part of the citizens. The term ‘republic’ comes from the Latin ‘res publica’ which translates into a thing, matter, or business that

is public. In a republican model, the government of the polis is a matter that belongs to the public, and the citizens rule themselves (Leydet, 2014). Particularly, in a republican model, politics is the property of the public which differs predominantly from a form of government in which the rulers perceive all political matters to be their business and the people that they are ruling as their property.

Inspired by Aristotle's writings to place the republican conception of citizenship within a historical framework, Bellamy (2008) states that, from Aristotle's perspective, human beings are regarded as 'political animals' who have a natural propensity to live in political communities in order to have their full potentials realized. Furthermore, as Bellamy (2008) puts it, Aristotle emphasized the idea that upon formation of political communities, human beings carry out certain roles in accordance to their natural station in life with only some qualifying to serve a role of a 'citizen'. In ancient Greece, to be qualified as a citizen, one had to be a male, above the age of 20, of an Athenian descent (at least born to a native Athenian citizen family), a warrior – namely, a combatant who possesses the necessary skills and strength to fight – and a slave-owner (Bellamy, 2008). Even though such characteristic requirements that Aristotle deemed necessary to gain membership in this select group are rendered obsolete, unfair, and prejudicial in contemporary democratic political systems, some of their underlying principles still serve as a basis to legitimize certain discriminatory practices related to citizenship in the modern world. For instance, having a strong sense of patriotism and a sincere desire to defend one's nation whether by joining the armed forces or a commitment to maintain the integrity of citizenship in one's daily life are some of the recurrent themes that inform today's political debates and justify certain actions undertaken by our elected politicians.

In a republican model, the government of the state or society is a public matter and a “good” citizen is the one who rules and is ruled in turn; therefore, ‘publicity’ and ‘self-government’ are crucial and constitutive elements of a republican model of citizenship. A republican citizen is the one who exhibits the unique quality to be a ruler and being ruled upon simultaneously while participating in civic life to uphold and enhance shared public values and interests. The notion of ‘publicity’ within the republican conception has two implications. First, as mentioned earlier, politics as the public’s business must be carried out openly in public not only to strengthen the public spirit by bringing people together but also to ensure transparency and prevent corruption (Dagger, 2002). Second, ‘the public’ within this framework does not necessarily translate into ‘a group of people’ as a separable and tangible entity; rather, it connotes an aspect or arena of life to which certain aspirations, claims and responsibilities are ascribed, even though it may be difficult at times to distinguish it from the private. Furthermore, the concept of ‘self-government’ within the republican tradition can be interpreted as a form of freedom (Dagger, 2002). For republicans, if the citizens want to engage in self-government, they must be free from the arbitrary or absolute mastery of the ruler, or of others. In specific, to avoid arbitrariness, the citizens must be bound to the rule of law; that is, they must be accountable to a government of laws, not of persons (Dagger, 2002). As Dagger argues, “the republican citizen is not someone who acts arbitrarily, impulsively, or recklessly, but per laws he or she has a voice in making” (2002, p. 147). Therefore, freedom requires relying upon the law so as to relieve oneself from the arbitrary rule of others and ensure that citizens are not subject to an unpredictable or absolute form of power. Dagger (2002) posits that republicans are more concerned with freedom from domination than freedom from state interference. The author claims that contrary to the liberal viewpoint, republicans are under the impression that it is not state interference in and of itself that is objectionable; rather, it is the

arbitrary form of state interference that raises concern and poses a threat to the well-being of citizens. To clearly illustrate, the author draws a comparison between a slave and a citizen who may both be deprived of liberty in a sense that the former must bow to the rule of the master and the latter to the rule of law. But he claims that these two examples are hardly equivalent since the master does not have to take into account the well-being of the slave, while the law – at least in its ideal version – must respect the citizens’ desires and interests even in cases where it interferes with the individuals’ liberty. It is within this context that republican theorists clash with liberals and adhere to the argument that liberal theorists are misguided in thinking that all forms of state interference deprive citizens of liberty.

Central to the republican conception of citizenship is the idea that as members of the public, citizens must prioritize the interests of the community over their private inclinations and be willing to set aside their personal interests if doing so is in the benefit of the public (Kartal, 2002; Dagger, 2002; Bellamy, 2008). According to this tradition, acting in the best interest of the public takes precedence over that of an individual’s, and the republican citizen who maintains this principle demonstrates what is known as ‘civic virtue’. Essentially, civic virtue is at the centre of the republican model of citizenship and the citizens who display this quality can be described as the ones who understand that citizenship is a matter of responsibility as much as rights (Dagger, 2002). To further understand this, one need not go as far as Aristotle – or as Aristotle as read by Dagger (2002) – who states that:

[...] all republicans believe that there is something enriching about public life, regardless of how wearisome it sometimes may be. Public life draws people out, and it draws them together. It draws out their talents and capacities, and it draws them together into community (p. 147).

Dagger's (2002) account described above testifies to the importance of civic virtue and responsibility in republican conceptions of citizenship and how these notions are essential in the formation of mutual bond and creation of a tight-knit collective whole. In specific, "good" citizens are the ones who exhibit civic involvement and commitment to public good by carrying out any responsibility for which they are called upon. These responsibilities may include simple tasks of obeying traffic laws or honoring the constitutional rights of others. It may also include more burdensome obligations such as fulfilling a jury duty, paying taxes or joining the military if required. However, a model citizen per the republican notion, does not always wait for a call to be issued in order to engage in civic involvement. Such a citizen is supposed to understand the equal balance between rights and responsibilities and actively participates in public affairs without necessarily being asked to do so (Bellamy, 2008). As mentioned earlier, politics in the republican model is the public's business; therefore, a public-spirited person does not view political affairs as series of cumbersome circumstances that cause inconvenience or annoyance nor as some form of performance that one must stand back and watch from distance. In fact, a "good" citizen acknowledges the importance of equal participation and will try to play a well-intentioned and contributive role in the ways in which this business is conducted for the benefit of the public (Dagger, 2002).

3.2.2 The Liberal Conception of Citizenship

Another main conception of citizenship – namely, the liberal model – can be traced back to imperial Rome and early-modern reflections on Roman law. From a historical perspective, the requirements to obtain citizenship in the Roman Empire were initially similar to those for Greek citizenship (Leydet, 2014). However, as the Roman Empire started to expand – initially within what is now Italy, to subsequently occupy the rest of Europe, and ultimately proceeded into Asia

and Africa – a series of developments occurred. Precisely, the Empire’s expansion effectively led to citizenship being granted to people in the conquered lands; consequently, transforming the meaning of ‘citizenship’ (Bellamy, 2008). The meaning of citizenship, within this tradition, shifted from collective participation in formulation and execution of the law to being protected under the law. In specific, the Roman Empire extended citizenship rights to inhabitants of occupied territories while allowing them to retain their own form of government, inevitably creating the concept of ‘dual-national citizenship’. Most importantly, the version of a citizenship granted by the Roman Empire to these populations was of a ‘legal’ nature as opposed to ‘political’ one and having this version of citizenship for the most part meant ‘protection under the law’ (Bellamy, 2008). The empire permitted dual-national citizenship with the implication that the Roman citizenship was reduced to a legal status while the inhabitants’ original citizenship remained as a political status (Bellamy, 2008). It is important to pay attention to the significance of this historical event – specially its relation to the birth of ‘dual-citizenship’ since it still informs the debates about the practice of citizenship revocation from Canadian citizens with dual nationality.

The main element of the liberal conception of citizenship as it is rooted in the imperial Rome is ‘equality under the law’ (Leydet, 2014). Within this tradition, political freedom is prudent in protecting the citizens’ liberty from state interference as well as interference by others; however, this freedom is exercised predominantly in the realm of private associations and interactions (Schuck, 2002). The liberal conception of citizenship emphasizes the minimization of state interference and, in turn, maximization of individual freedom and pursuit of personal interest, so long as others’ rights are not violated. It is important to mention that proponents of liberal theories are not entirely opposed to state interference; rather, they believe that it should be reduced to the minimum level and priority should be given to private interests. In fact, contrary to the republican

tradition that tends to perceive liberty as the by-product of laws that have been collectively created through participation by the citizens themselves, liberalism tends to view laws as a set of necessary tools that should be sought to protect one's natural liberty in accordance to social standards (Marshall & Baltimore, 1992). In specific, liberal theorists firmly maintain that state coercion should be restricted to those areas of private life in which the individuals' behaviour jeopardizes the well-being and livelihood of others. Whereas the republican tradition is concerned with departure from economic burdens in order to participate and ensure that public interests are effectively addressed and precede those of private ones, the liberal approach prioritizes the primacy of the individual and advocates for pursuit of personal development and projects above all else (Schuck, 2002).

Throughout history, the republican and liberal traditions have not only coexisted, but they started to merge together with the development of nation states during the 19th and 20th centuries (Bellamy, 2008). Writing within the republican tradition, Aristotle – as read by Dagger (2002) – emphasized that the ideal forms of citizenship were theoretically and practically possible only in fairly small states – he referred to these small political communities that were favorable to fostering ideals of civic virtue and allowing everyone to have a chance at ruling as 'city state' or Greek '*polis*' (Bellamy, 2008). Central to the republican system of government and citizenship is the notion of 'unanimity' and, from a historical lens, most issues appear to have been resolved through 'consensus' and collective agreement. By the same token, drawing from an Aristotelian perspective, Bellamy (2008) acknowledges that the creation and sustenance of such a system relies heavily upon a type of connectedness that is likely to arise only from tightly knit community in which citizens have formed a strong mutual bond and are closely linked to each other in a form of civic friendship and mutual commonality (Bellamy, 2008). Contrary to Aristotle's vision and other

prominent philosophers writing within the same tradition, the city state proved to be too small to withstand the transgression and encroachment of the military empire (Bellamy, 2008). On the other hand, the empire was too large to allow for a meaningful and equal political participation; consequently, leading to the formation of what is historically known as a ‘nation-state’ (Bellamy, 2008). As Bellamy (2008) puts it, “lying midway between a city state and an empire, the nation-state emerged as the most viable alternative – able to combine certain key advantages while avoiding their disadvantages” (p. 43). In fact, the nation-state was suitable in size to allow continued support for a multi-dimensional economic infrastructure and an appropriate military establishment, while being not so large as to fall short of fulfilling goals of participation and civic involvement that are essential to sustaining a democracy. Thus, a new version of citizenship was developed whose main objective was to bridge the gap between political participation and rights by linking civic obligations and legal rights with membership in a national democratic political community (Bellamy, 2008). It is this development that informs certain sociological theories – particularly that of Thomas Humphrey Marshall – that depict the standard narrative of the evolution of what is contemporarily known as a modern democratic form of citizenship.

3.2.3 Marshall’s Conception of Citizenship

T.H. Marshall defined citizenship as a formal status conferred upon those who are full members of a given community and conceived of all those whom the citizenship status is bestowed upon as equal in relation to the rights and obligations arising from its possession. According to Marshall (1977), there is no standard definition of what these rights and responsibilities must be on a universal scale. However, in societies where citizenship is a developing institution (referring mostly to Western European nations) an ideal image of citizenship against which achievement can be measured and toward which aspirations can be directed is constructed (Marshall & Bottomore,

1992). Specifically, the ‘path toward progress’, characteristic of these nations, is the one that is filled with the quest to a fuller degree of equality, an enrichment of the elements from which the status is composed, and an increase in the number of individuals upon whom this status is granted (Marshall & Bottomore, 1992). Marshall’s account of citizenship draws particularly upon the analysis of the history of democratic West European nations from 18th to the 20th century. Most importantly, Marshall (1977) conceived of citizenship as the direct effect of the interrelated processes of state-building, the creation of commercial and industrial infrastructures, and the birth of a national consciousness, with all three propelled in numerous ways through the force of class struggle, conflict, and war. Although Marshall (1977) breaks down these processes into separate stages, he nonetheless contends that each step constitutes elements that are pre-conditional and necessary in ultimately merging popular and legal rule within the new context of democracy, welfare, and nation-state that operates on a basis of a capitalist market economy. The first stage – state-building – refers to the unification of administrative, military, and cultural infrastructures at the state level, leading to the creation of a sovereign political body that gains legitimate authority to exercise control over its subjects – namely, the people – and oversees all operations taking place within its territorial jurisdiction (Marshall, 1977; Marshall & Bottomore, 1992). The second phase concerns the emergence of commercial and industrial economies which, in turn, lead to the emergence of certain public goods and services that are required to sustain market economies such as a transportation system, a unified system of currency and exchange, and an established legal system (Marshall, 1977; Marshall & Bottomore, 1992). The third phase – nation-building – sees the integration of the masses into a national consciousness suitable to the growth of a capitalistic market economy system through the use of mandatory education, standardized language, popular press, etc. (Marshall, 1977; Marshall & Bottomore, 1992). As Bellamy et al., (2006) argue:

[...] the net effect of these three processes was to create a ‘people’, who were entitled to be treated as equal before the law and possessed equal rights to buy and sell goods, services, and labour; whose interests were overseen by a sovereign political authority; and who shared a national identity that shaped their allegiance to each other and to their State. (p. 4)

According to Bellamy (2008), citizens started to consider themselves as one ‘people’ who are united with one another through a sense of communal belonging and shared values and interest that are common to the nation.

Central to Marshall’s argument is that citizenship as a by-product of the emergence of national markets and nation-states is rooted in a series of class struggles throughout history (Marshall & Bottomore, 1992). Having been concerned with the impact of ‘citizenship’ – which he views as a system of equality in the ideal world – on social inequality throughout the 17th and 18th centuries, Marshall regards social class as inherently a system of inequality. Therefore, the two systems inevitably clash and the nature of the relationship between the two becomes marked by conflict and struggle. As Marshall (1992) explains, “social class, on the other hand, is a system of inequality. And it too, like citizenship, can be based on a set of ideals, beliefs and values. It is therefore reasonable to expect that the impact of citizenship on social class should take the form of a conflict between opposing principles” (p. 34). Furthermore, there are three landmark historical periods that are predominantly marked by class struggles and each period is characterized by obtainment of certain set of rights as oppressed groups struggled to have their voices heard and demanded to be placed on equal footing with mainstream groups in the community (Marshall & Bottomore, 1992). The first period – roughly between the 17th and mid 19th centuries – is marked by the unification of civil rights at a large-scale level that are required for participation in a wide

range of economic and social activities (Marshall & Bottomore, 1992). This predominantly entailed the obtainment of the right for all citizens to own property, the right to exchange goods, services, and labour as they wish within an established legal framework, and freedom of thought and conscience required for personal advancement and the right to protest abuse of power on part of authorities (Marshall & Bottomore, 1992). The second period, roughly from the end of the 18th century to the start of the 20th, was marked by extension of political rights – in particular, the right to vote and hold public office – to initially all private property owners and subsequently to all adult males and women (Marshall & Bottomore, 1992). The third period – particularly, the end of the 19th century to mid 20th century – coincided with the unprecedented emergence of set of social rights. These set of rights initially included the right to economic welfare and security but eventually progressed into “the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society” (Bellamy, 2008, p. 49). These rights consisted primarily of the right to social insurance and to receive compensation in the events of unemployment and terminal illness as well as the right to receive education, healthcare and pension (Bellamy, 2008). As it is clearly seen, modern conceptions of citizenship include elements of both liberal and republican traditions that are complementary but are also in tension, and the debates around citizenship tend to revolve around arguing for the best balance between different principles found in both traditions.

It is also important to mention that in recent years, there seems to be a noticeable tension in questions of citizenship, specifically, in terms of the balance between ‘civic rights’ and ‘civic duties’ of the citizens. More specifically, the rise of penal-populism, starting in the early 1970s, has accompanied a noticeable decline in social rights of citizens due to the disappearance of the welfare state that gave way to the rise of neoliberalism. As findings of Brodie (2002) along with

Jenson & Phillips (2001) suggest, the literature on Canadian citizenship is replete with arguments regarding the rise of neoliberalism and its impact on the social relationship between the state and the citizens in the aftermath of the Second World War. According to Brodie (2002) – as cited in Anderson (2008) – the rise of neoliberalism has had the effect of reducing access for a particular class of citizens to state agencies committed to meeting their needs, and of reducing state-funded public services. Indeed, whereas the welfare state of the 1950s and 1960s witnessed a noticeable growth of social rights – for instance, the surge in government-assisted welfare programs, affordable housing programs, benefits for low-income families, unemployment and healthcare insurance, etc. – the neoliberal state of the 1970s-80s saw a noticeable decline in the allocation of such rights and benefits. As Garland (2001) explains, the heydays of social rights are tied to the welfare-state of the 1950s-60s when there was a heavy emphasis on the social rights of citizens – specially citizens-in-need – to receive assistance from the state to get up on their feet and become “productive” citizens. Once on their feet, these citizens would, according to the proponents of the welfare state, contribute to the social and economic welfare of the society by taking up employment – at times through government-coordinated initiatives such as skill-training programs in the United States or Federal Student Work Experience Program in Canada (Greenberg & Robins, 2011). However, with the rise of the neoliberal state in recent decades, the emphasis on the rights of citizens to receive government assistance has been replaced by questions of “deservedness” and “responsibility” – in specific, assessing which citizens “deserve” to be assisted and based on what criteria. There has been a marked tension in questions of citizenship in relation to what is required in terms of obligations on the part of the citizens to become “eligible” to receive government assistance and what they must do in return to ensure that the reception of such benefits is in accordance with the principle of “fairness” to the hardworking, tax-payer citizens. Moreover,

such a tension in questions of citizenship in recent years – particularly, the recalibration of focus from rights of citizens to responsibility of citizens – parallels the shift in the practices of the criminal justice system. In simple words, this recalibration of focus from ‘rights’ (integral to the liberal conception of citizenship) to “deservedness”, duty, and responsibility (integral to the republican tradition) is also seen in the ways that crime control policies have been implemented recently. The following paragraphs will describe the recent shift in the practices of the criminal justice system in dealing with offender populations – or the so-called, “underclass” citizens (according to Garland’s (1991) conceptualization – that parallels the discussed recalibration of the pendulum of citizenship from civic rights to civic responsibilities. Most importantly, the following section will shed light on the ways in which the rise of penal-populism paved the way for implementation of crime control policies based on the notions of “responsibilization” and “deservedness” that parallel the republican model of citizenship with an emphasis on restoring civic responsibility of individuals to their fellow citizen and the state.

3.3 Critical Criminology

3.3.1 Welfare Penalism

The literature in criminology documents a shift in criminal justice policies from penal-welfarism to penal-populism in recent years that reflects an emphasis on restoration of responsibilities over protection of rights within the criminal justice system itself and the political narratives that shape its very structure and processes (Wacquant, 2009; Pratt, 2007; Feeley & Simon, 1992; Harcourt, 2010). From a historical perspective, penal welfarism can be traced back to the 1890s with its salient features manifesting themselves overtly in the 1950s-60s, owing to the post-war welfare state and its social democratic politics that emerged at the time (Feeley & Simon,

1992; Pratt, 2007). This period is also the one during which, according to Marshall (1992), social rights developed, and where one sees the promotion of a social form of citizenship. Penal welfarism is built upon the principle that whenever possible, penal measures must be guided in the direction of rehabilitation and correction of the individual offender as opposed to repression and retribution (Pratt, 2007; Simon, 2007; Feeley & Simon, 1992). Penal-welfarism can be defined as institutional arrangements that characterized the overall management and guidance of penal institutions – from 1890s to the 1970s – that drifted away from punitive and retributive measures and adopted a reformatory, corrective and inclusionary approach toward individual offenders (Wacquant, 2009; Pratt, 2007). Indeed, the literature in criminology suggests that the emergence of the welfare state in the post-war years gave rise to the adoption and expansion of a penal approach that was less reactionary and repressive in principle and increasingly oriented toward treatment and proactivity (Garland, 2012; Feeley & Simon, 1992; Pratt, 2007). One argument that is presented in the literature that explains the rise of welfare-penalism concerns the relationship between the progressive economic conditions of the 1950s and 1960s and their relationship to the penal institutions of the criminal justice system. As findings of Wacquant (2009) suggest, crime control policies that guided the institutions of the criminal justice system in decades following the Second World War paralleled that of the welfare State itself and were instituted against the backdrop of economic conditions that favoured welfare provision, public spending, and protection by the State. Most importantly, the rapid economic prosperity in the post-war decades that functioned to alleviate the conditions of poverty and unequal access to healthcare and employment had important implications and consequences for crime control institutions and the criminal justice system. As Wacquant (2012) argues, to the extent that quality of life for the working-class populations were constantly improving and full employment and healthcare opportunities were

being frequently provided for impoverished segments of the population, penal institutions and crime control policies came to increasingly align themselves with welfare provision principles and guidelines. In specific, the generalized sense of prosperity and conditions of sustained economic growth paved the way for the gradual disappearance of the less “eligible” and less “deserving” that commonly resulted in punitive penal measures for those that entered through the funnel of the criminal justice system (Wacquant, 2009). For instance, job opportunities even for the unskilled or people with disabilities resulted in increased use of probation and parole for individual offenders and gave rise to the popularity of mandatory community-based services as a somewhat more appropriate method of punishment (Simon, 2007; Pratt, 2007). Moreover, both Simon (2007) and Pratt (2007) indicate that early release of criminal offenders into the community while being supervised by parole officers, and increased use of treatment and training programs in state penitentiaries in the United States, were part of a scheme that departed from practices of incapacitation and relied more heavily on intervention and reformation. It is important to mention that such a shift toward the inclusionary practices of community-based work for offenders and provision of state-funded rehabilitative programs to ensure re-integration of these individuals back into society characterized the general approach of penal institutions during 1950s and 1960s that were in keeping with the political underpinnings of the welfare state during this time (Wacquant, 2009; Garland, 2001). Since the orchestration and institution of rehabilitative and treatment-based penal strategies required public approval and legitimation, this was more easily done during a time that was predominantly marked by financial stability, social security and tangible benefits enjoyed by middle-class populations due to increased public expenditure (Garland, 2001).

One important point in the literature is that in welfare-penalism, crime, along with other phenomena such as education, healthcare, poverty, etc. are social issues, underlined by social

factors, and must be dealt with by professional experts adopting social-based curative and remedial techniques (Feeley & Simon, 1992; Simon, 2007; Pratt, 2007). As such, institutions of the criminal justice system operating within the framework of penal-welfarism, came to rely on knowledge-based criminological approaches as a basis to address the “problem of crime” and utilized the opinions of expert authorities – within the fields of criminology, sociology, forensic psychiatry, etc. – in their response to criminal behaviour. In doing so, penal agencies relied less upon the power of law or coercion and started to depend heavily upon the power of expert authorities who established and prescribed standard social norms, rules, and behaviours (Feeley & Simon, 1992). Accordingly, penal institutions within this framework prioritized the goals of reform, rehabilitation, treatment and training over those of incarceration, incapacitation, and retribution. The very underlying principle that informed such rehabilitative policies guiding the operations of penal institutions was that crime, along with plenty of other social problems, were a result of individual “maladjustments”, which were in turn caused by poverty, poor socialization, social deprivation, or other etiological factors. Given this context, it should not be surprising that penal agencies responsible for the administration of the criminal justice system came to be heavily influenced by the expert opinions of respective authorities who possessed scientific knowledge and prescribed social remedies in order to alleviate the “problem of crime”. These experts constantly emphasized the role of individuals and families in bringing about their conduct in alignment with prescribed social norms and the strong desire of every individual to achieve social status, financial security, physical health and self-fulfillment (Feeley & Simon, 1992; Pratt, 2007; Garland, 2001). By highlighting the significant role played by individuals, both correctional criminology and penal-welfare agencies mutually identified the “maladjusted delinquent” as the problem – more so a threat to the operation of the welfare state – and correctional treatment as the

solution to that identified problem. In this way of thinking, the notion of the criminal offender as a rationally motivated opportunity-seeker who committed a criminal offence for selfish reasons – or reasons that can be explained away by self-gratification – lost its popularity since it spoke to no specific etiological diagnosis or particular pathology and offered little chance for knowledge-based intervention and correctional reform (Garland, 2001). Thus, penal-welfarism gave rise to a completely novel network of interconnected principles and practices whose chief concerns were to understand the individual offender, identifying pathological explanations, and mapping out the social patterns and environmental causes that shape one's criminal behaviour (Feeley & Simon, 1992; Wacquant, 2009)

It is important to mention that the penal-welfare institutions, similar to all other social institutions, are shaped and continuously re-shaped in response to a specific historical context and founded upon a set of social structures and underlying principles peculiar to certain points in history. Equally important, it operated within a specific setting of economic and social policies that were progressive in nature and worked in conjunction with a series of key institutions; most importantly, the labour market and social institutions that focused on welfare provision. It has thus been argued in the relevant scholarly literature that the governments of countries such as the United States and commonwealth countries including Britain, Canada and New Zealand implemented certain strategic solutions to address crises of class conflict and economic downturn that were incurred as a result of the Second World War (Garland, 2001; Pratt, 2007; Feeley & Simon, 1992). Central to these solutions were, for instance, state-funded social programs and laws which became crucial tools of governance. As findings of Simon (2007) and Pratt (2007) indicate, even though the market capitalists and the owners of the means of production continuously influenced the decision-making processes on part of the politicians, their powers were subject to some state

supervision and regulation. Such post-war governments frequently neutralized the threats posed to the sustainment of market capitalism and diminished economic conflict by creating social insurance and welfare measures that worked to enhance security (Simon, 2007; Pratt, 2007). Consequently, penal institutions working within the structures of the broader welfare state society increasingly took a ‘no fault’ approach to crime and emphasized the role played by faulty social structures that worked to the detriment of youth delinquents and adult offenders living in impoverished and marginalized segments of society (Garland, 2001). As Garland (2001) puts it:

Where free market societies will tend to hold individuals responsible for loss and injury, and allow risk to lie where it falls, more solidaristic cultures (where individuals are tied into networks of trust and mutual reliance) can allow losses to be absorbed by the group and can support norms of collective responsibility. (p. 47)

Garland’s (2001) argument is that solidaristic societies tend to value restitution and reformation over blame allocation and punishment.

3.3.2 Penal Populism and a Criminology of the Other

The review of the scholarly literature in criminology reveals that since the late 1970s, there has been a visible shift of focus from welfare-penalism to penal-populism (Wacquant, 2009; Pratt, 2007; Feeley & Simon, 1992; Simon, 2007; Harcourt, 2010). Essentially, the portrait of a delinquent as a disadvantaged poor who is deserving of rehabilitation and correction has started to disappear. What emerged instead was a perception of crime and delinquency as a property of “dangerous” populations and “undeserving” welfare recipients who had to be controlled through means of punishment. Basically, the image of crime as a by-product of faulty social structures to which the unfortunate and deserving poor have fallen victim was replaced by one that portrayed delinquents as culpable career criminals and “unruly” youths who pose a serious “threat” to the

public. The literature posits that the notion of the deserving poor in need of rehabilitation and the public's assistance – which once served a functional role in the institution of criminal justice policies of penal-welfarism – lost its popularity due to the rise of penal-populism in the late 1970s. Under this penal-populist system, the image of the deserving poor was displaced by the undeserving “underclass” who was considered unresponsive to rehabilitative measures and deserving of receiving harsh punishment for the safety and well-being of the public. In describing this transition, Garland (2001) argues that:

Crime came to be seen instead as a problem of indiscipline, a lack of self-control or social control, a matter of wicked individuals who needed to be deterred and who deserved to be punished. Instead of indicating need or deprivation, crime was a matter of anti-social cultures or personalities and of rational individual choice in the face of lax law enforcement and lenient punishment regimes (p. 102).

One argument in the scholarly literature is that the gradual disappearance of welfare-penalism starting in the late 1970s was due, primarily, to the attack on the welfare state by neoliberal politicians (Wacquant, 2009; Garland, 2001). This theory is in line with the argument made by T.H. Marshall (1992) who stated that the late 1970s coincided with the period that marks the end of decades of advancements of citizenship rights – in particular social rights. As Garland (2001) puts it, the very conditions that gave rise to the development of the welfare state in the first place came to work to its detriment and served as a foundational ground for its criticism and destruction. Central to the line of criticism brought against the welfare state was that it was not adequate in fulfilling its obligations and mandates. In specific, there was a constant attack on the institutions of the welfare state based on the premise that their benefits were lacking in quantity and quality and their service-delivery procedures were unreasonable and insufficient in catering to the unique

needs of disadvantaged individuals (Garland, 2001). Another point made by Garland (2001) concerns the shift in the perception of middle classes regarding the provisions of the welfare state. The middle-classes – viewing the welfare-provisions of the state as excessive – began to consider that they do not have a serious need for many of the services that their hard-earned tax money was providing. Consequently, the upper- and middle-classes launched a criticism against the welfare state and expressed dissatisfaction as to the ways in which their tax payments were used to provide welfare services for the “undeserving” populations who do not make substantial contributions to compensate for the benefits they received (Garland, 2001). It has thus been argued in literature that, parallel to the criticism launched against the welfare-state as a whole, radical critics of the criminal justice system also started to express concerns over the *correctionalist* approach of penal institutions (Feeley & Simon, 1992; Pratt, 2007; Garland, 2001). By the same token, conservative politicians sought the opportunity to articulate popular discontent and show hostility toward ‘soft on crime’ policies that was at the centre of welfare-penal system (Pratt, 2007). As Garland (2001) puts it:

Social issues such as growing crime, worsening race relations, family breakdown, growing welfare rolls, and the decline of ‘traditional values’ – together with concerns about high taxes, inflation, and declining economic performance – created a growing anxiety about the effects of change that conservative politicians began to pick up on. (p. 97)

In this political climate, social issues such as youth delinquency and drug use were no longer viewed as problems of deprivation; rather, they came to be perceived as problems arising from lack of effective control for which the institutions of the welfare state were largely responsible.

The notion of the deserving poor, subject to the assistance of the welfare state, was replaced by the undeserving and villainous “underclass” who is “dangerous”, “deviant” and “different”.

The conservative political culture that emerged in this period placed a great emphasis on the importance of forgotten traditional values and insisted on reinstating the moral disciplines that had been suppressed for a couple of decades (Pratt, 2007; Simon, 2007). As part of their populist political scheme, the conservative politicians started to blame all the social ills and economic downturn of this period such as teenage pregnancy, drug dependency, single parenthood and violent crime in inner cities as arising from the democratic and liberal political culture of 1950-60s that was unreasonably “permissive” in nature (Garland, 2001; Pratt, 2007; Simon, 2007). It is important to point out that the ‘back to basic’ political approach undertaken by conservatives that insisted on restoring ‘individual responsibility’ and upholding traditional values in this period resulted in a renewed interest in stricter control and disciplinary measures; however, these were primarily directed at marginalised groups and individuals from the lower socio-economic class (Wacquant, 2010; Pratt, 2007). In this respect, crime – or ‘deviant behaviour’ in particular – came to be viewed as a problem that was solely the property of the “undeserving” welfare-recipient populations that had to be controlled and contained (Simon, 2007; Pratt, 2007). More specifically, crime along with different types of “lower-class related” and “deviant” behaviours came to serve as a rhetorical justification and an ideological tool to justify a populist political approach that was inherently reactionary and disciplinary (Simon, 2007; Pratt, 2007). Within this populist political framework guided by a reactionary approach against the liberal institutions of the welfare state, crime became a lens through which marginalized populations came to be viewed as the “undeserving poor” and the “undeserving welfare recipients” who do not fulfill their fair share of civic responsibility. This political approach to crime – initiated by conservatives in this period and

solely directed at the poor populations of inner-cities – gave rise to the institution and expansion of penal-populism that visibly drifted away from notions of reformation and rehabilitation.

Drawing from the review of scholarly literature in criminology, it is important to mention that penal populism operates based on the notion that the rights of victims and the rights of communities take precedence over those of individual offenders (Pratt, 2007; Feeley & Simon, 1992). Under the penal populist apparatus, more prisons should be built to accommodate for the increased intake of criminal offenders coming into the criminal justice system as opposed to investing in rehabilitation centres to treat drug addiction. Moreover, there should be more efficient use of prison space by turning one-bed bunkers into two-men cells, and there should be an abandonment of expensive treatment-based programs to make up for the increased costs of housing the rising population in state penitentiaries – due to offenders serving long-term mandatory sentences for non-violent drug offences. Within this institutional structure, punishment takes a form of a public demonstration that must be performed to the satisfaction of the majority – most often in favour of retribution, at least in cases of violent offences – as opposed to reliance upon expert specialists who frequently advocate for application of diagnosis and effective treatment (Pratt, 2001; Garland, 2001). Concerns about law and order are prioritized over those of scientific expertise and bureaucratic rationalities; therefore, punitive measures are catered toward fulfilling public's thirst for assurance and vengeance as opposed to addressing the needs of individual offenders and rectifying the circumstances that propelled them to commit a criminal offence in the first place (Garland, 2001; Pratt, 2001). Simply put, punishment within the institutional arrangements of penal-populism is administered as an expression of public sentiment instead of any realistic goals of correction and reduction of the probabilities for recidivism.

The adoption of such repressive policies as the ones dubbed ‘lock them up and throw the key away’, ‘law and order’, ‘zero tolerance’, or ‘three strikes and you are out’, and the repeated calls to reinstate the death penalty are clear examples of some of the widely known penal-populistic approaches that are undertaken by conservatives with the intention to appeal to public opinion (Garland, 2001). As part of its scheme to gain popular support, penal-populism seeks to instill fear in the minds of the voting population and invoke emotional responses from the public by speaking to the ways in which criminal offenders have been given ‘undue’ attention and have received unjustifiably soft treatment at the expense of overlooking the rights and needs of victims (Pratt, 2007). Under this populist regime, the “unruly” youth who is previously considered to be the disadvantaged poor in need of the state’s assistance is labelled as a “dangerous predator” who must be resented and feared. In fact, there is an argument in the criminological literature suggesting that the proponents of penal populism repeatedly blame the liberal institutions of the criminal justice system that was previously oriented toward welfare-provision – most noticeably between 1950s until early 1970s – for this insidious shift of priorities that are counter-intuitive, counter-logical and uncorroborated by “common sense” (Pratt, 2007).

Since the late 1970s, up until the present time, there has been a discernible shift in the direction of criminal justice policies and criminological thought in general. As discussed, the crime control policies of welfare-penalism, most notably between 1950s and 1960s, were increasingly oriented toward inclusionary approaches of rehabilitation, treatment and correction – namely, *correctionalist criminology*. But in the last few decades, the institutions of the criminal justice system have witnessed a drastic shift toward the exclusionary practices of vengeance, retribution and punishment, predominantly referred to in the scholarly literature as the *criminology of the other*. Whereas in penal-welfarism criminal offenders are depicted as hardly different from their

victims (the only difference being deprivation from social privileges and economic opportunities as well as curable pathologies), the penal-populist system saw the emergence of the criminal offender portrayed as inherently “different” – an untreatable outcast and “threatening other” who is beyond reform and poses a grave risk to innocent victims. This criminology assumes that criminals are “simply wicked”, and criminal acts are the result of unconditioned evil choice, perpetrated by the morally depraved “other” who bears very little resemblance to “us”. In contrast to correctional criminology that guided the criminal justice policies of the welfare state, the *criminology of the other* is profoundly conservative in its emphasis on the importance of moral discipline, individual responsibility, and respect for authority. In the words of Garland (2001), “this criminology is decidedly anti-modern in its central themes: the upholding of order and authority, the assertion of absolute moral standards, and the affirmation of tradition and common sense” (p. 184). According to the proponents of this criminology, the very moral fabric of the society at large has been weakened by the liberal ways of thinking that dominated the institutions of the welfare state – most importantly, the agencies of the criminal justice system – leading to the failure in upholding law and order or maintaining respect for authority. In this line of thinking, crime becomes the property of the “undeserved underclass” and restricted to the people who belong to the ‘dependency culture’ of the welfare poor that is both threatening and alien to “us”. Having been made responsible for social ills of the society – criminality, in particular – the so-called undeserving and welfare-dependent “underclass” comes to be treated as “the other” who lacks moral values and must be ‘taken out of circulation’ for law and order to be restored.

Contrary to the liberal ideologies and practices that underlined the institutions of welfare-penalism during the 1950s and 1960s, the conservative institutional arrangements of penal-populism are less concerned with the diagnosis, or intervention and correction of individual

offenders; rather, they are concerned with identification, categorization and management of aggregate groups based on “dangerousness” (Feeley & Simon, 1992; Harcourt, 2010). It has therefore been presented in the relevant scholarly literature that central to penal-populism is the efficient control and containment of the offender populations. Therefore, the language of probability and risk greatly replaces those of rehabilitation and reformation and (Feeley & Simon, 1992; Harcourt, 2010). Primacy is given to the efficient use of control strategies in relation to internal processes of the criminal justice system; consequently, the emphasis is placed upon the development and adoption of techniques that target offenders as an aggregate as opposed to traditional techniques of individual-based clinical diagnosis and rehabilitation. Within this context, the task of penal-populism is managerial as opposed to transformative and the role of criminal justice personnel takes a form of supervision and management of “dangerous” groups based on risk-assessment as opposed to intervention to modify maladaptive behavioural characteristics of individual offenders (Harcourt, 2010). As Feeley and Simon (1992) argue, “a central feature of this new penology is the replacement of a moral or clinical description of the individual with an actuarial language of probabilistic calculations and statistical distributions applied to populations” (p. 453). Therefore, the criminal justice system functions to regulate levels of deviance by deploying control strategies and sorting out individuals into risk groups and ranking them from “more dangerous” to “less dangerous” based on application of actuarial tools that measure risk levels such as ‘population projections’, ‘prediction tables’ and ‘indicators’ (Harcourt, 2010; Feeley & Simon, 1992). Thus, the primary objective of correctional facilities under the penal-populist system is to accurately identify ‘high risk’ offenders and maintain supervision over them by using long-term prison sentences while investing less on ‘low risk’ ones.

In summary, the literature in citizenship studies describes a shift from prioritizing the rights of citizens, to an emphasis on their responsibilities to the state and fellow citizens. The scholarship in critical criminology documents a similar shift in crime control policies in recent decades that departs from addressing the rights of offenders and is oriented toward holding offenders responsible for their actions and taking punitive measures against them for the purpose of punishment and control. This orientation toward repressive and punitive crime control policies – commonly referred to in the literature as penal-populism – marks a departure from the rehabilitative and reformatory crime control policies of the welfare state. As it is clearly seen, this shift in crime control policies resembles a recalibration in questions of citizenship where heavier weight is given to the republican model with an emphasis on restoration of civic responsibility of citizens over protection and preservation of civic rights.

Although the discussion around welfare-penalism and penal-populism relies heavily upon David Garland, whose publications describe the situation in Britain and the United States, his work is relevant to the purposes of this thesis since Canada has followed a similar trend in terms of crime control changes. As he puts it, the crime control policies of the neoliberal state were affected by both criminological factors as well as historical forces that shaped social and economic life from 1960s onwards (Garland, 2001). To better illustrate these changes, Garland (2001) outlines two sets of transformative forces:

First, the social, economic, and cultural changes characteristic of late modernity: changes that were experienced to a greater or lesser extent by all Western industrialized democracies after the Second World War. Secondly, the political realignments and policy initiatives that developed in response to these changes, and in reaction to the perceived crisis of the welfare state, in the USA and the from the late 1970s onwards. (p. 75)

He goes on to state that “these changes in social and economic policy – a combination of free-market ‘neo-liberalism’ and social conservatism – had echoes in other states such New Zealand, Canada, and Australia” (Garland, 2001, p. 75).

For the purposes of this paper, it is important to keep in mind this recent transition from welfare-penalism to penal-populism since political debates presented in favour of Bill C-24 seem to follow the same line of political reasoning in relation to both criminality and citizenship. More specifically, the underlying logic behind the enactment of Bill C-24 is based on the idea that restoring the civic responsibility of citizens is more important than protecting the rights of citizens who violate the law. This recalibration of emphasis from upholding the rights of citizens – which is the hallmark of the liberal conception of citizenship and most visibly promoted in the heydays of the welfare state – to the restoration of civic duty as seen in the provisions of Bill C-24 echoes the one seen in crime control policies from welfare-penalism to penal populism.

Chapter Four – Methodology

This research is focused on exploring the ways in which political debates surrounding the enactment of Bill C-24 represent tensions in the meaning of citizenship for dual-national citizens. As part of a general approach, it is important to mention that this research borrows heavily from critical criminology. Instead of adopting an integrated theoretical framework, I mobilized a selective set of concepts pertaining to critical criminology and the literature on citizenship studies that I have reviewed. These mainly include T. H. Marshall's and Richard Bellamy's depictions of liberal and republican conceptions of citizenship along with Garland's use of key concepts in criminology such as welfare-penalism and penal-populism. As discussed in Chapter Three, welfare-penalism is a term utilized by Garland to describe a set of crime control policies that are oriented toward preserving the welfare of offender populations, rehabilitation and re-integration of the offenders back into the community through the use of community service programs along with probation/parole services. The aim of these policies is to ensure that the rights of criminal offenders are respected and they can become a productive member of society upon rehabilitation/release. These policies became quite popular during the post-war years of the welfare state (1950s-60s) but lost their appeal with the emergence of neoliberalism in the late 1970s (Garland, 2001). As such, penal-populism is a term used by Garland to explain a series of criminal justice policies that are characteristic of the neoliberal state and oriented toward punishment, taking away the rights of offenders and ensuring that appropriate punitive measures are taken against offender populations for the purpose of deterrence and incapacitation. These punitive policies continue to guide the institutions of the criminal justice system in Canada to this day, although today's institutional control policies are more directed toward management of "dangerous" groups and prisoner populations due to overcrowded correctional facilities and flow

of migration (Harcourt, 2010). To better make sense of Garland's concepts of welfare-penalism and penal-populism, I have deployed a set of secondary concepts such as 'deservedness', 'punishing the poor', 'criminology of the other', and 'management of dangerous groups' and 'politicization of crime'. These concepts are used to explain the shift in crime control policies from welfare-penalism of the post-war years to penal-populism in more recent years. All of these concepts inform my conceptual framework to understand the recalibration in the meaning of citizenship from a more liberal conception of citizenship (based on rights) to one that is more geared toward the republican notion (based on civic responsibility).

4.1 Research Question

The aim of this research paper is to answer the following question: *How do political debates surrounding the enactment of Bill C-24 illustrate tensions in the meaning of citizenship for citizens with dual nationality?* My interest in this research sparks from my own status as a naturalized citizen and the precarious nature of the position in which dual-national citizens were placed once Bill C-24 was enacted. As someone born and raised in the Middle East, I first became interested in this specific research topic because I realized how Bill C-24 intended to target those Canadian citizens who may have been issued citizenship from another country (specifically, "risk countries"), perhaps due to being born into an immigrant family or married to a spouse who is an immigrant. The level of injustice that is served by drafting a legislation that enabled the government to deport a born and raised Canadian to a country where they have never been to, or do not speak its native language, sounded outrageous and horrific and led me to pursue this research.

4.2 Methodology

My general research outlook is informed by a constructionist paradigm and resembles what Hammersley (2013) describes as research preoccupied with ‘documenting constitutive practices’. This specific orientation within qualitative research is concerned with constitutive practices that work hand in hand to produce and sustain a specific social phenomenon (Hammersley, 2013). Specifically, I adopt this general orientation as I consider that themes that emerged from my data (e.g. value, integrity, loyalty, integration, and responsibility) do not depict objectively existing realities, but rather play a crucial role in formulating various provisions of Bill C-24, justifying this legislation, and ultimately function as attempts to redefine the meaning of citizenship for a certain class of Canadian citizens. Indeed, central to this epistemological position is the idea that messages contained in the body of the text are not used to simply represent the phenomenon to which people refer; rather, they constitute or create those phenomena (Hammersley, 2013). Particularly, the very core and fundamental argument in favour of Bill C-24 was that dual-nationals – whether born in Canada or not – do not fully understand and appreciate the “privileged” position they are in by being granted the valuable Canadian citizenship and passport. Moreover, these populations of dual-national citizens are presented in some of the debates as being the ones “responsible” for jeopardizing the integrity of citizenship by committing fraud, terrorism and diminishing the value of citizenship by being citizens of “convenience”. Furthermore, these dual-nationals, perhaps through ties to their “dangerous” home countries, are presented as making up a large portion of the population “responsible” for jeopardizing the national security of Canadians. The depictions – which are social constructions – nonetheless have real social consequences as they constitute the phenomena they represent.

4.2.1 Data Collection Method and Analytical Technique

The aim of this study is to examine the political debate surrounding changes in the law regulating the revocation of citizenship in Canada. My research question revolves around how the political debate surrounding changes in the law governing the revocation of citizenship (Bill C-24) illustrates a recalibration in meaning of citizenship for dual-national citizens. In specific, I wanted to explore how the meaning of citizenship is in a constant state of flux and given today's rise in penal-populism, heavier weight is given to the republican model of citizenship – as seen by bill C-24 being enacted into law. One way of accessing this meaning is by pinpointing, recording, and analyzing the themes that emerge from studying the parliamentary debates in this area. In specific, one way of grasping this fluctuation in the meaning of citizenship is by examining the thematic patterns that manifest themselves during the political debates, leading to formation and adoption of Bill C-24. This approach is widely known as 'thematic analysis'. Braun and Clarke (2006) define thematic analysis as a “method for identifying, analyzing, and reporting patterns (themes) within data” (p. 6). Braun and Clarke (2006) contend that one of the outstanding features of thematic analysis is its flexibility and what distinguishes this approach from other analytical techniques is that one “does not require the detailed theoretical and technical knowledge of approaches such as grounded theory and discourse analysis” (p. 8). According to the authors, thematic analysis “can offer a more accessible form of analysis, particularly for those early in a qualitative research career” (Braun & Clarke, 2006, p. 9). Moreover, the authors claim that the process of thematic analysis consists of a series of choices that are explicitly relayed to the audience. They are questions in the form of dialogue which the researcher asks and ponders consistently throughout the data collection and data analysis phases of the research. As they argue, “in practice, these questions should be considered before analysis (and sometimes even before the data collection phase and there needs to be an ongoing reflexive dialogue on the part of the

researcher with regards to the issues, throughout the analytic process (Braun & Clarke, 2006, p. 9).

Since I had already formulated my research question with the help of my thesis supervisor and I had formed a number of secondary research questions (such as the relationship between the republican notion of citizenship and the rise of neoliberalism), I moved to the data collection stage of my research. I began my data collection phase by collecting the parliamentary debates that led to the adoption of the bill, which were extracted from ‘Hansard’³. In qualitative research, several analytical methods can be deployed including, but as Bengtsson (2016) puts it, “in all data analysis, the purpose is to organize and elicit meaning from the data collected and draw realistic conclusions” (p. 10). For the purposes of my research, I have adopted the thematic analysis strategy which is, essentially, a type of analytical technique in qualitative research where relevant information pertaining to one’s research topic is extracted and then organized into themes, and later analyzed. As Braun and Clarke (2006) describe, thematic analysis is an analytical technique that seeks to identify patterns of meaning across a set of data with the intention to answer a particular research question. As part of this process, I first did a cursory reading of the data – the parliamentary debates – to gain an overall understanding of the main themes that were discussed and the important points that were raised by MPs during the debates. Throughout this process, I kept in mind Braun and Clark’s (2006) definition of a ‘theme’. A theme, according to these authors “captures something important about the data in relation to the research question and represents some level of patterned response or meaning within the data set” (Braun & Clarke, 2006, p. 10). While doing the first cursory reading of the parliamentary debates, I identified three main themes that were recurrent throughout the dataset. These included citizenship, national security, and value.

³ Hansard is the name of the official transcripts of Parliamentary Debates in Canada.

In my identification of these main themes, I also jotted down (under each of these category), what I expected to find and did indeed find and what I expected to find but did not find. I also created what I called the ‘surprise category’ which included any points that I did not anticipate coming up within the debates. For instance, before doing my first cursory reading, I anticipated that the vast majority of the interventions in support of the bill would be about preserving Canada’s national security and exporting the “threat” to outside of the borders. However, I came to realize that the vast majority of the interventions in support of the bill were oriented toward preserving the value and integrity of Canadian citizenship by combatting citizenship fraud and cracking down on “citizens of convenience”. As I will explain in Chapter Five, the opening remarks by the Minister in support of the bill, for the most part, emphasized preserving the value of citizenship which set the tone for subsequent interventions by Conservative MPs. In other words, I recorded the notion of ‘value’ as an umbrella theme in the initial phase of data analysis.

In the second phase of the data analysis, I started the process of a more careful reading of the material as to gain a more in-depth understanding of the issues at play. In this phase, I expanded my thematic categories in order to capture a broader range of themes that presented themselves in the data. More specifically, I identified the more narrowed-down patterns of themes that emerged from the dataset and organized these themes into seven separate categories. These included citizenship, value, integrity, integration, national security, responsibility, and terrorism.

In the third stage of my analysis, I conducted a more rigorous reading of the data (with the seven identified thematic categories) and inserted every selected piece of information extracted from the data into one of the developed main themes – in a manner consistent with thematic analysis as suggested by Braun and Clarke (2006). In specific, I organized the pieces of information according to the most relevant theme to which they belonged and placed them in

relation to the categories with which they were most consistent. In some occasions, there was unclarity (due to overlap) as to which category a certain theme raised by a specific MP belonged since some of these points raised by the members addressed two or even three issues simultaneously. In these instances, I grouped these pieces of information into the theme to which they were most relevant.

In the final stage of my analysis, I realized that I could narrow down my list of identified thematic patterns to five main categories, given that some of the main themes such as national security and terrorism were compatible with each other and could merge into one umbrella theme of 'loyalty'. As such my final list of the main thematic categories were identified as value of Canadian citizenship, loyalty, integrity, "proper" integration of dual-national citizens and responsibility. Taking each of these general one-word thematic categories, I gave a more descriptive title to each one and came up with a list which includes the following: Balance of Rights and Responsibilities, Preserving the Value of Canadian Citizenship, Ensuring Citizens are Properly Integrated, National Security and Loyalty, Canadian Citizenship and Integrity.

Chapter Five – Analysis

5.1 Presentation of Key Themes/Results

In this chapter, I argue that Bill C-24 functions as an attempt to redefine the meaning of citizenship from a more liberal understanding to one that is more republican for Canadians with dual nationality. In doing so, I present the main themes that emerged from my thematic analysis of the parliamentary debates surrounding Bill C-24. These include ‘maintaining the balance between rights and responsibilities on part of a citizen’, ‘preserving the integrity and value of Canadian citizenship’, ‘the importance of pledging one’s loyalty to Canada’, and ‘ensuring that would-be citizens are properly integrated into Canadian society’. As I mentioned in Chapter Four, even though I have organized these themes into separate categories, one main theme that they all have in common is the ‘value of Canadian citizenship’. Indeed, strengthening the value of citizenship is at the core of the debates surrounding Bill C-24 and serves as a driving force in guiding the arguments presented by the MPs. In other words, the notion of value is a substantive element that informs the other issues raised by MPs (either for or against the bill). The MPs who speak in favour of the bill present their arguments in the context of supporting and protecting the ‘value’ of Canadian citizenship. Even the Liberal and NDP MPs (and a Conservative MP in one occasion) who speak against the enactment of the bill do so by highlighting how this bill undermines (as opposed to strengthens) the ‘value’ of Canadian citizenship. The underlying reason why their arguments is linked to the more general notion of ‘strengthening the value of citizenship’ is because Chris Alexander (the Conservative Minister of Citizenship and Immigration at the time), in his opening remarks in support of the bill, introduces Bill C-24 as a bill that protects and

strengthens the value of Canadian citizenship. Chris Alexander, as part of his opening statement, says:

I am delighted to rise today to speak to Bill C-24, the strengthening Canadian citizenship act. These are the first comprehensive reforms to our citizenship act in more than a generation, since 1977. Its aim is very clear. It is to strengthen and protect the value of Canadian citizenship. This was a commitment our government made in its most recent Speech from the Throne, and it is one that we are keeping with today's debate and by making this a legislative priority of our government⁴.

The Minister also concludes his opening statement by mentioning that “we have to ensure that our policies and practices properly reflect the tremendous value of Canadian citizenship”⁵. In a way, Chris Alexander's opening remarks and presentation of Bill C-24 as an act that protects and strengthens the value of Canadian citizenship lays the foundational ground upon which the arguments in favour of the bill are formulated. The Minister's strategic attempt to frame Bill C-24 as a “legislative priority”⁶ that strengthens the value of Canadian citizenship serves as a guiding principle for the arguments that follow. The Conservative members in favour of the bill use Alexander's remarks as a blueprint to give force to their arguments. By the same token, the arguments presented against the bill are also inevitably guided by the same principle. Since the supportive arguments in favour of the bill are rooted in the notion of ‘reinforcing the value of Canadian citizenship’, it only makes sense for the politicians who are opposed to the bill to tailor

⁴ Intervention by Chris Alexander, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1530

⁵ Intervention by Chris Alexander, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1530

⁶ Intervention by Chris Alexander, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1530

their arguments to this element as well. The counter-arguments are, therefore, directed toward the preservation of the value of citizenship as to not diverge from the main point. For instance, Dany Morin (NDP) states: “fundamentally, everyone recognizes that Canadian citizenship is of considerable value, but we do not want a politicized approach to this issue. This is unfortunately what the Conservatives are trying to do right now”⁷. Since the Conservative MPs who are in favour of the bill justify its importance in the context of its contribution to the value of citizenship, the Liberal and NDP members have to also present their counter-arguments to weaken their opponents’ position. In a similar vein, Pierre Nantel (NDP) is cited saying: “I thank the honourable member for emphasizing the human aspect of the issue. I certainly agree about the value of Canadian citizenship. It is only natural to want to protect it, but there are lives involved and young people who are affected”⁸. As these excerpts show, the notion of ‘value’ seems to play into all these separately mentioned sub-themes of loyalty, “proper” integration of would-be citizens, integrity, and the balance of rights and responsibilities. These issues are presented with the undertone of preserving the value of citizenship. I will present these themes and place them in relation to some of the key concepts identified in the literature review regarding the republican and liberal conceptions of citizenship along with the recent shift in crime control policies.

5.1.1 Balance of Responsibilities and Rights

The notion of citizenship as presented by Conservative MPs is predominantly tilted – as they see it – toward the restoration of a balance between responsibilities and rights. For instance, in defence

⁷ Intervention by Dany Morin, June 12, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 102, p. 2050

⁸ Intervention by Pierre Nantel, June 12, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 102, p. 2050

of citizenship revocation from persons suspected of treason, espionage, and citizenship fraud, the Minister indicates:

This would be the right thing to do. It would send a powerful message. It would be a powerful deterrent telling those inside the country and outside that we are serious not only about the privileges and benefits of citizenship but also about the responsibilities, the accountability, and the example that we expect to be set by those who carry the passport, by those who vote in this country, and by those who are proud to call themselves Canadian citizens, as we have done for 100 years⁹.

In response to the Minister's statement above, Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs and for International Human Rights, CPC), highlights the notion of 'equality under the law' and the importance of treating citizens fairly regardless of their status as a dual-national or a mono-citizen. Deepak argues, "Mr. Speaker, one of the strongest human rights principles is to create all citizens equal, no matter what. That is the fundamental human rights situation. That is what I'm concerned about in this bill"¹⁰. Even though Obhrai is a member of the CPC, his statement is more closely aligned with the liberal notion of citizenship and the importance of 'equality under the law' as conceptualized by Leydet (2014) and discussed in Chapter Two. As Leydet (2014) explains, the main element of the liberal conception of citizenship (which is rooted in the Imperial Rome) is the fair treatment and equal standing of all citizens as prescribed by the law. This example also shows that the MPs' interventions are not always aligned with the model of citizenship attached to their political family and there may be disagreements amongst members

⁹ Intervention by Chris Alexander, May 28, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 091, p. 1530

¹⁰ Intervention by Deepak Obhrai, May 28, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 091, p. 2045

who serve within the same political party. Moreover, in response to Obhrai’s statement – in an attempt to depict citizenship revocation as a “fair” practice from those who have committed offences against Canadian citizenship – the Minister highlights the importance of the balance between obligations and rights. He argues that “citizenship has its obligations and if a dual-national commits these crimes, that person will lose Canadian citizenship. That is fair”¹¹. While fairness is viewed as equal treatment of dual and mono national citizens under the law as suggested by these excerpts, Conservative government officials such as Chris Alexander see fairness more in the context of the balance between rights, responsibility, privilege and deservedness. For instance, regarding the unfairness of Bill C-24 that allows citizenship revocation from dual-national citizens while sparing mono-nationals, Irene Mathyssen (NDP) warns: “we have to step back from this and make a very clear statement that all Canadians should be treated fairly and equally. Many of the revocation processes are discriminatory and retroactive”¹².

Most important to the purposes of this thesis is Alexander’s response to critics that Bill C-24 unreasonably violates fundamental principles of justice by limiting one’s mobility rights – through forcibly compelling them to be physically present in Canada – or by subjecting one to an arbitrary form of punishment by denying them a right to a fair trial (Macklin, 2015). More specifically, the former Minister’s response to critics is cited as follows:

This measure is reasonable and it adheres to the principle of justice. We would not create stateless people with this measure. It would not apply to those who have only

¹¹ Intervention by Chris Alexander, May 28, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 091, p. 2045

¹² Intervention by Irene Mathyssen, May 28, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 091, p. 1950

Canadian citizenship, and anyone who does not want it to apply to them can renounce their other citizenship¹³.

Although not visible at first glance, there are two important messages embedded within this statement and indirectly relayed to the audience. First, by mentioning that “[...] it adheres to the principle of justice. We would not create stateless people...”, the former Minister tactically avoids responding to the main point raised by the critics of this bill by speaking directly to the subject of ‘principle of justice’ in a totally unrelated context. By stating, in very technical terms, the fact that the bill does not directly violate the *1961 Convention on the reduction of statelessness* since it does not target people with single nationality, Chris Alexander strategically manages to reassert the legal validity of the bill and lend credence to its structure by pointing out its adherence to the principle of justice, although very basically. Second, by stating that the affected parties dissatisfied with this provision can opt out of their non-Canadian citizenship, the former Minister is shifting the responsibility from the state to the citizen – making it appear as a “fair” arrangement on the balance of rights and responsibility. He is basically sending out the message that people with dual-national citizenship are upsetting the equilibrium of rights and responsibilities by having two citizenships instead of one; therefore, stating that subjecting them to citizenship revocation is not considered arbitrary punishment since they are at liberty to relinquish one of their citizenships. By the same token, Chris Alexander seems to infer that naturalized citizens, in order to demonstrate commitment and loyalty to Canada, are responsible for renouncing their non-Canadian citizenship. If not, they have voluntarily opted to being potentially subjected to revocation of citizenship because they are not willing to forego the privileges that are granted by holding citizenship from

¹³¹³ Intervention by Chris Alexander, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 2030

their home countries – referring to privileges that are not available to the members of the native majority with single citizenship. Chris Alexander’s assumption is that the provision contained in Bill C-24 permitting revocation of citizenship from a “disloyal” Canadian with dual-national citizenship does not constitute disproportionate targeting or arbitrary punishment since naturalized citizens have the option of shifting into the pool of single nationals if they wish to do so. Closely aligning his position on the issue with the republican conception of citizenship – based heavily on active civic participation and duty – the former Minister is presenting this provision as a “fair” measure since it reinstalls some degree of responsibility on the part of the citizen that has been largely ignored in the past. By emphasizing the responsibility of citizens to renounce their non-Canadian citizenship – to avoid having this provision apply to them – the former Minister is indirectly highlighting the duty of citizens to demonstrate an everlasting commitment and loyalty to Canada, at the cost of relinquishing their right to be a citizen of another country. In sum, it is the duty of the so called “loyal” citizen, on a good faith basis, to forfeit their non-Canadian citizenship as part of a process of demonstrating their full commitment to Canada.

Responsibility, in specific, is depicted as the citizen’s obligation to participate in civic duties in return for the reception of rights and privileges granted to Canadian citizens. According to the republican tradition, “good” Canadians are the ones who understand the importance of utilizing the services, privileges, and rights conferred upon them through possession of citizenship status while at the same time remaining committed to the duties and obligations that come along with it. This emphasis on the notion of civic responsibility is most noticeable when the issue of ‘physical presence’ as a requirement to obtain citizenship in Canada is being addressed throughout the parliamentary debates. By the former Minister’s account, some of the most important civic responsibilities of Canadians are to participate in political elections which are held every four

years, pay their taxes, and contribute effectively to the economic and social welfare of the country. Leung (CPC), following the same conservative line of thinking, contends that since physical presence “equals” having experienced Canada practically, extending the permanent residency requirement from three in four years to four in six years serves as a justifiable measure to ensure meaningful and effective participation in such important events¹⁴. The longer one is physically present in Canada, the more Canadian “experience” the individual possesses; therefore, the more capable the individual is in terms of fulfilling civic duties of voting, paying taxes and contributing to Canadian social and economic institutions. Working, paying taxes, serving on jury duty, attending government-coordinated public events, and showing up at the ballot box on election day to vote for a desired public official are some of the examples that are highlighted as important civic duties of a “responsible” citizen. As part of an argument to highlight the importance of civic duty, Chris Alexander refers to the first Canadian *Citizenship Act* implemented in 1947 as a historical landmark and frames the provisions of Bill C-24 as a necessary cluster of devices designed to strengthen its legacy. As he argues:

It is a tremendously exciting legacy. It is one that we all have a responsibility to live up to in this day and age. It is one that we are seeking to renew and reinforce with this bill. This is something we do not take lightly. By strengthening the residency and knowledge requirement, we are making sure new citizens are both more committed and fully prepared to actually take up life here in Canada. This is balancing rights and responsibilities.¹⁵

¹⁴ Intervention by Chungsen Leung, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1925

¹⁵ Intervention by Chris Alexander, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1530

As it is clearly seen, the former Minister of Citizenship and Immigration presents the justification for extending the residency requirement in the context of restoring the balance between rights and responsibilities and having a physical presence in Canada as an essential element to ensure one's commitment to effectively carry out civic duties. Extending the residency requirement by one year before being "qualified" to apply for citizenship, as this excerpt implies, is presented as a "reasonable" proposition since it assists one in gaining familiarity as to how the labour and tax systems operate or having "sufficient" knowledge of the political system in Canada for the purpose of "meaningful" voting. As Chungsen Leung (CPC) describes:

One of the responsibilities of being a Canadian citizen is the ability to have some sort of civic participation; with most of our elections being somewhere between every four and every five years, I feel it is necessary for a person to have actually physically experienced that period of time in Canada in that civic participation.¹⁶

This is yet another example of the attempt to align one's participation in election with fulfilling 'civic responsibility' and illustration of the proposed amendment to the permanent residency requirement as essential in strengthening the person's ability to fully fulfill this civic duty.

What has been discussed so far regarding 'civic duty' and its relation to the changes in the residency requirement strongly parallels some of the arguments analyzed in citizenship studies and critical criminology regarding the so-called balance of rights and responsibility. In specific, the arguments presented by some of the members of the CPC in favour of the proposed residency requirement echo what has been described in terms of the republican conception of citizenship and the importance of maintaining the equilibrium of rights and responsibilities. As discussed in

¹⁶ Intervention by Chungsen Leung, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1925

Chapter Three, central to the republican conception of citizenship is the idea that civic duties take precedence over personal interests and “decent” citizens are the ones who understand the importance of genuine commitment to carry out civic responsibilities for the good of the public. By the same token, the emphasis on having a more Canadian “experience” to better fulfill one’s civic duty of participation in election, for instance, can be understood as a deliberate attempt to redefine the conception of citizenship from a liberal to a more republican one. As Joan Crockatt – a Conservative MP from Calgary – puts it: “my own son-in-law would be affected by these proposed changes. He would have to spend an extra year in Canada to get citizenship, and that is okay. Canadian citizenship is something worth working for”¹⁷. This statement serves as an illustration of this Conservative MP’s identification with the republican notion of citizenship in which rights and responsibilities must be balanced and anyone desiring something of value – in this case, being a Canadian citizen – must be willing to put in the required effort. To say that “Canadian citizenship is something worth working for” is indeed parallel to a republican understanding of citizenship because it underlines the importance of one’s responsibility to put in the necessary work in proportion to the benefits that are received by possession of a certain honorable status or valuable commodity – in this instance, a Canadian citizenship and a passport (Marshall, 1977).

5.1.2 Preserving the Value of Canadian Citizenship

Another important element that emerged from the data and is essential to consider is the ‘value of citizenship’. During the debates, Canadian citizenship is presented as extremely valuable and the

¹⁷ Intervention by Joan Crockatt, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1720

Canadian passport as one of the mostly sought-after passports in the world¹⁸. Equally important, the provisions of Bill C-24 are presented as a necessary cluster of instruments designed to uphold, reinforce and protect that value. Having argued that Canadian citizenship is one that is tremendously valuable and increasingly popular around the world – to the point that people are willing to go to great length to obtain one even if it means doing so unlawfully – Costas Menegakis (CPC) claims that any action or effort on the part of the would-be citizen to access Canadian citizenship through illegitimate means undermine or jeopardize its great value¹⁹. Having violated the special value assigned to Canadian citizenship – according to another politician, Wai Young (CPC) – the prospective citizen is deemed undeserving to have access to this valuable title. In this context, false or misleading information presented in the application by the candidate is considered to be cheapening the great value attached to Canadian citizenship; therefore, rendering the applicant “undeserving”, “untrustworthy”, and potentially “risky”²⁰. Within this conservative line of thinking and framework, misrepresentation of information during the admission process into Canada reflects a lack of “attachment” to Canada on the part of the applicant and poses a grave “threat” to the extreme value that is historically ingrained in Canadian citizenship status²¹. Engaging in a deceitful behaviour such as obtaining citizenship by means of fraud – or assisting an applicant to obtain one – is considered going against Canadian values; consequently, making the subject deserving of citizenship revocation and eligible for removal from the country.

¹⁸ Intervention by Costas Menegakis, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1700

¹⁹ Intervention by Costas Menegakis, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1700

²⁰ Intervention by Wai Young, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 2130

²¹ Intervention by Chungsen Leung, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1915

Provisions such as the imposition of a declaration of intent to reside in Canada, or the revocation of citizenship in cases of fraud are presented as “fair” because they restore the balance of rights and responsibility²² and deemed necessary since they ensure the protection of the untradeable value of Canadian citizenship²³. This line of thinking is also consistent with Garland’s (2001) analysis of punishment as a means to either reform or exclude (with the intent to deter). For Garland, punishment serves two main objectives: reformation or deterrence (see Vaughan, 2000). Revocation of citizenship, in this case, can be depicted as serving the purpose of exclusion with an aim to send out a message of deterrence. Conservative MPs such as Menegakis and Young make a claim that whether the person has misrepresented a given information during the application process or possesses citizenship through illegitimate means, that behaviour is intolerable since it jeopardizes the great value attached to Canadian citizenship and renders the person unworthy of being called a Canadian. Deception in this sense is presented as an attack against Canadian values and it is only through denying the perpetrator access to citizenship or stripping the person off that status that the values will be restored. By exhibiting behaviour that is inherently deceitful and “unCanadian”, based on this conservative line of thinking, the applicants or the naturalized citizens relinquish their right to hold the status of a Canadian citizen and Bill C-24 ensures that “appropriate” measures are in place to preserve Canadian values once they have been violated.

What has been presented in the paragraph above strongly resembles some of the ideas discussed in citizenship studies regarding the republican conception of citizenship. Specifically,

²² Intervention by Philip Toone, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1910

²³ Intervention by Rick Dykstra, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1925

the ideas presented in favour of Bill C-24 by the members of the Conservative Party with an emphasis on the restoration of values of Canadian citizenship bear very close resemblance to the principles of a republican notion of citizenship. Highlighting the importance of revoking citizenship from “dangerous” dual-national citizens who pose a “risk” to Canadian values by committing a criminal offence and denying citizenship to the “undeserving” would-be citizens, Chris Alexander contends:

Citizenship applicants would no longer be able to use the time spent in Canada as non-permanent residents to meet the citizenship residency requirements. Again, this would reinforce the value of citizenship by requiring applicants to demonstrate a commitment to Canada through permanent residence.²⁴

This statement serves as an example of a line of thinking that is conservative in nature and advocating for an understanding of citizenship within the republican tradition. Consistent with the republican tradition, the former Minister advocates for the need to toughen the process of obtaining citizenship by way of discounting the time spent in Canada on a visitor, student, or work permit. Moreover, the presentation of the new residency requirements in this manner carries a somewhat strategic significance. Specifically, proposing to discount the time spent in Canada as non-permanent residents and tailoring that to the notions of ‘commitment’ and ‘preservation of values’, the former Minister is shifting the focus away from the useless and burdensome nature of this provision and adds a spin of “fairness” to it. By presenting this amendment as essential in protecting the value of citizenship, the interpretation of this provision as an unnecessary burden or

²⁴ Intervention by Chris Alexander, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1535

angry expression thrown at prospective citizens loses its appeal and gives way to one that is “just” and “reasonable” since it is aligned with the interests of Canadian people.

5.1.3 National Security and Loyalty

Another theme that is recurrent throughout the parliamentary debates is loyalty. This theme predominantly emerges in instances where there is a debate about safeguarding Canadian citizenship against terrorism or acts of disloyalty that undermine the peace, safety and security of Canadian citizens – including treason and spying-related offences²⁵. Drawing from the arguments made by a conservative politician, such as Jason Kenney, it is important to mention that Bill C-24’s intended function to combat terrorism and deter disloyalty to Canada is presented as part of a grand scheme aimed at strengthening the value of Canadian citizenship. As Jason Kenney puts it, “Canadians understand that when a dual national willingly decides to radicalize and participate in terrorist crimes, to carry out bombings, to plot the murder of his or her fellow citizens, this is damaging to the value we attach to Canadian citizenship”²⁶. Moreover, this aspect of the bill – namely, the provision allowing for revocation of citizenship from persons convicted of offences related to national security – is controversial and serves as a major site of contention between political figures²⁷. For instance, in an attempt to highlight the unconstitutional and unfair nature of this particular provision, Irene Mathyssen (NDP) argues: “the new revocation procedures are apparently related to citizens’ loyalty to Canada. However, it is unclear why only dual-national

²⁵ Intervention by Jason Kenney, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1555

²⁶ Intervention by Jason Kenney, May 28, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 091, p. 2120

²⁷ Intervention by John McCallum, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1650

citizens should be so targeted? Do the Conservatives think dual-national citizens are less loyal than other Canadians?”²⁸. According to Sitsabaiesan (NDP), Bill C-24 creates a two-tiered system of citizenship by disproportionately targeting persons with dual nationality who commit criminal offences related to national security while sparing the single nationals²⁹. Sitsabaiesan draws attention to this issue by stating: “my understanding is that one is either a Canadian citizen or not. There is no real in between. The government would create that in-between case”³⁰. According to this MP, the bill differentiates between two classes of citizens in its attempt to revoke a dual national’s citizenship while affording a person with only Canadian citizenship the right to due process in the criminal justice system for committing the same criminal offence. Equally affected by this amendment are those who are citizens of a country other than Canada due to the sole virtue of having been born to an immigrant family or being married to a person who holds another citizenship – if it is likely that they obtained a second citizenship through their parents or spouse. What Sitsabaiesan (NDP) frames as quite alarming in this case is that the standard of proof is held to an unusually low degree given that if the Minister (or her or his delegate) – on the balance of probabilities – has reasonable grounds to believe that a person is a dual-national citizen, he or she may commence the citizenship revocation process³¹. Additionally, the burden of proof is reversed

²⁸ Intervention by Irene Mathyssen, May 28, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 091, p. 1950

²⁹ Intervention by Rathika Sitsabaiesan, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 2015

³⁰ Intervention by Rathika Sitsabaiesan, May 28, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 2000

³¹ Intervention by Rathika Sitsabaiesan, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 2000

under this provision and the onus is placed on the subject to prove to the Minister or his/her office that he or she is not in fact a citizen of another country³².

Another important way that the notion of loyalty presents itself during the parliamentary debates is in the context of Bill C-24's aim to "reward" Canadian military personnel for their exceptional service of serving and protecting the country as permanent residents. As discussed in Chapter One, while facilitating the citizenship revocation process for certain class of dual-citizens (namely, the 'disloyal', 'treasonous' and 'fraudster'), Bill C-24 also streamlined the citizenship obtainment process for other classes of dual-citizens (namely, the members of the Canadian Armed Forces and 'lost Canadians'). The insistence on the situation of permanent residents serving in the military is troubling as it promotes a militaristic and patriotic conception of citizenship. But even if one considered it important to honour the members of the Canadian Armed Forces for their sacrifices and reward them for their services, the way that Bill C-24's aim to "thank" the military personnel by "awarding" them citizenship seems to have more of a political motive than a genuine and sincere extension of gratitude. More specifically, the Conservative government of Harper managed to pass a bill whose punitive and restrictive elements far exceed its positive and "rewarding" counterparts. Harper's Conservatives engineered a bill in the name of "strengthening the Canadian citizenship" that conceals its repressive elements by incorporating two seemingly "useful" and "noble" provisions (namely, the one intended to restore citizenship for 'lost Canadians' and streamlining the citizenship process for military personnel). Arguably, Bill C-24 may be interpreted as an attempt by conservative political leaders to shield the troubling aspects of the bill (referring specifically to the provisions that increased discretionary powers of the

³² Intervention by Rathika Sitsabaiesan, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 2000. See also Macklin 2015 for a legal opinion on this provision.

Minister to revoke citizenship) by weaving them together with two supposedly “restorative” elements. More specifically, the restoration of citizenship for ‘lost Canadians’ and granting speedy access to citizenship for military personnel are used as tools by Harper’s Conservatives to paint a “noble” and “compassionate” picture of Bill C-24. But realistically, the number of those dual-citizens negatively affected by this bill overwhelmingly exceed the very small number of ‘lost Canadians’ or service members who are serving the country as permanent residents. As Lysane Blanchette-Lamothe – an NDP MP from Pierrefonds-Dollard – points out:

The other positive aspect of the bill is the expedited access to citizenship for permanent residents who serve in the Canadian Armed Forces. In fact, this aspect, which the NDP already supported, is found in Bill C-425 from the last session. I would like to raise one issue, however. This part of the bill will not affect hundreds or even dozens of people. It will affect only a few, perhaps five or ten. It is very rare for permanent residents to be accepted into the Canadian Forces. Usually, a person must already be Canadian to be accepted. Only in very exceptional cases are permanent residents allowed to serve in the Canadian Forces³³.

In support of the useful and positive elements of the bill while also drawing attention to the negative and worrisome contents of the bill, this MP also adds:

There are a number of good elements in this bill that the NDP is happy to see. We would be happy to support some of these changes that have been needed for a long time. However, true to the form, the Conservatives have

³³ Intervention by Lysane-Blanchette-Lamothe, February 27, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1600

introduced a bill that is over 50 pages long and that amends all kinds of things and affects several aspects of citizenship³⁴.

According to opposition MPs, restoration of citizenship to ‘lost Canadians’ – whose number total about 80 – and streamlining access to citizenship for members of the Canadian Armed Forces who are very few in number, do not justify a bill that dangerously grants discretionary power to the Minister to potentially revoke citizenship from an important number of dual-national citizens.

The points raised above also testify as to how the issues of ‘deservedness’, ‘nationalism’ and ‘militarized citizenship’ (see Chavez, 2017), are all deeply imbricated within the content of Bill C-24 – more specifically in the depiction of bill C-24 as a means to “restore” national security and “reward” military personnel for their loyal to Canada. The picture of Bill C-24 painted as serving the “national interests” of Canadians and “strengthening” the value of citizenship in this manner serves as an example of how the traditional notions of civic duty, responsibility, nationalism and masculinity come together to push forward a conservative political agenda. Depicting members of the Armed Forces as the ones who are deserving of a streamlined process of citizenship while depicting the treasonous and fraudster citizens as undeserving of citizenship is indeed a form of nationalism that is also aligned with a militarized notion of citizenship. Apart from being part of a nationalistic ideology, this militarized conception of citizenship that portrays members of the military forces as ‘ideal citizens’ who have met expected levels of civic duty is also a characteristic of the republican model of citizenship. More specifically, in

³⁴ Intervention by Lysane-Blanchette-Lamothe, February 27, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1600

these debates the Conservative Party's use of a militarized notion of citizenship that considers joining Canada's Armed Forces as an act of national heroism is used as a justification to lend credence to Bill C-24. As discussed in Chapter Two, a model citizen, according to the republican tradition, is the one who forgoes personal interest and liberty for the benefit of the collective (Kartal, 2002). Therefore, the conservative politicians' projection of Bill C-24 as a "long-needed" solution that finally grants citizenship to those who are forgotten ("lost Canadians") and "deserving" (the soldiers) and revokes it from the "undeserving" (the terrorists and fraudsters) is a politically driven action that is underlined by conservative ideologies – drawing inspiration from the republican understanding of citizenship. Since the republican conception of citizenship is underscored by the notion of sacrificing personal liberty and benefit in the name of the collective, the act of foregoing one's life to preserve the safety and security of the nation is accordingly considered an acceptable level of civic duty fulfilled by a "good" and "virtuous" republican citizen. In this regard, joining the military forces as a permanent resident and the willingness to defend Canada are considered bonus points, rendering the applicant deserving of "special consideration" for citizenship. More importantly, the use of this segment of the population (whose number totals 5 or 10, according to Blanchette-Lamothe) as a means to justify a bill that is substantially oriented toward revocation of citizenship (affecting a very large segment of the population), is a politically motivated course of action aimed at lending moral credibility to Bill C-24 as a whole.

5.1.4 Ensuring that Citizens are Properly Integrated

Another theme that emerged from the data is integration. The notion of integration consistently manifests itself in almost all proposed amendments of Bill C-24, but most notably in the

requirements of residency, language and knowledge of Canada's history. The importance of "integrating" newcomers into Canada is an element that is continuously emphasized in support of the longer residency requirements, justifying the need to stretch the age gap for taking the citizenship test³⁵. As conservative politicians such as Leung suggest, one's longer physical presence in Canada is directly proportionate to an easier process of transition into Canadian society; therefore, benefiting both the immigrant populations and the public at large³⁶. Extending the residency requirement by an extra year and extending the age bracket that is required to be tested for language and knowledge of Canada, Leung (CPC) and Alexander (CPC) argue, are essential steps to ensure full integration of immigrants into Canadian society before taking up the oath of citizenship³⁷. According to this conservative way of thinking, being equipped with the knowledge of Canadian culture, history and politics along with the basic knowledge of one of the official languages is essential in fully preparing citizens to take up various roles in the economic, social and political sectors of the country³⁸. Liberal MPs such as McCallum, on the other hand, argue that these proposed amendments to citizenship requirements are nothing short of a scowl, and an angry gesture thrown at the face of great newcomers who come to Canada with the genuine intention of building a new life and make positive contributions to society³⁹. He views the proposed requirements as malicious and unreasonably hostile, serving no clear objective other than

³⁵ Intervention by Chris Alexander, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1535

³⁶ Intervention by Chungsen Leung, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1920

³⁷ Intervention by Chris Alexander, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1530

³⁸ Intervention by Chungsen Leung, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1920

³⁹ Intervention by John McCallum, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1635-1645

discouraging would-be citizens from seeking citizenship in Canada⁴⁰. In this regard, these provisions are criticized for imposing unnecessary pressure on the immigrant populations who are already at a disadvantaged position by having to leave their home countries and start a new life in Canada⁴¹. McCallum maintains that these unnecessary impositions are not only meritless but also disadvantageous to Canada since they redirect the newcomer populations to other countries; therefore, losing a potential workforce. The Canadian immigration system, according to this liberal way of thinking, is based fundamentally upon the notions of diversity, acceptance and inclusion. These strict measures are – in the opinion of the Liberal MP, John McCallum – part of a politically-motivated maneuver that is intended to target the populations of hard-working immigrants that go against the inclusionary immigration policies of Canada⁴². In fact, John McCallum’s remark serves as a great example of the Liberals’ position regarding the issue. In relation to the longer residency issue, he states:

[...] this is another scowl. What makes one think that people will be more Canadian just because we make them stay an extra year? One more year is extra time to wait. It does not necessarily make people more Canadian. It is just another nasty move by the conservatives to make the barriers bigger against the nice people who to become citizens of our country.⁴³

⁴⁰ Intervention by John McCallum, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1640

⁴¹ Intervention by John McCallum, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1635-1645

⁴² Intervention by John McCallum, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1635-1645

⁴³ Intervention by John McCallum, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1640

As it is clearly seen, according to this liberal logic, the new residency and language requirements are depicted as nothing but added barriers and repressive control measures directed at the marginalized populations of immigrants.

Conservative MPs make the argument that before any meaningful contribution to the social, economic, and cultural institutions of Canada can take place, immigrants must first be fully integrated and familiarized with Canadian values, and the amendments to the *Citizenship Act* will serve to facilitate that process. Rick Dykstra, the parliamentary secretary to the former Minister of Canadian Heritage and a member of the Conservative Party states: “our proposed amendment to the act is to stipulate that prospective Canadians would need to be physically present in Canada. This is important, because physical presence in Canada helps newcomers to integrate and establish a sense of belonging and attachment to Canada”⁴⁴. Based on a republican understanding of citizenship, he makes a classically conservative argument that the proposed amendments to the *Citizenship Act* will be of great assistance to those immigrants seeking to genuinely fulfill civic responsibilities and ensure that newcomers will have sufficient tools in their toolbox to execute the duties for which they have been called upon once taking up the oath of citizenship. Since civic participation, according to a republican conception of citizenship, is not an optional but an expected duty of a loyal citizen, Conservative MPs such as Rick Dykstra assume that these amendments will ensure that newcomers are equipped with the minimum abilities to perform the responsibilities that have been entrusted with in exchange for the rights granted by Canadian citizenship. In short, Conservative MPs posit that being physically present longer and learning one of Canada’s official languages lead to increased levels of integration; consequently, providing

⁴⁴ ⁴⁴ Intervention by Rick Dykstra, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1930

immigrants with the necessary skills to contribute effectively to the economic and social welfare of the Canadian society⁴⁵.

What has been pointed out regarding the notion of integration and its role in the presentation of the proposed amendments during the parliamentary debates closely resemble some of the ideas presented in the literature review regarding the republican conception of citizenship. As discussed in the theoretical literature, a model citizen, according to the republican conception of citizenship, is not the one who stands by and waits for a call of civic duty to be issued but rather understands the importance of responsibilities and goes above and beyond in meeting what is typically required of a “good” citizen in terms of civic obligations. More importantly, Garland (2001) suggested that the shift from the post-war welfare state to a neoliberal state gave rise to a development of a knowledge-based system of rationality whereby social scientific claims are backed up by evidence and expert opinions. Acting within this framework and using some form of expert opinion to back up an argument in favour of Bill C-24, a Conservative MP, Ted Falkn remarks:

Gillian Smith of the Institute for Canadian Citizenship works extensively with Canada’s newcomers, and she said she has found overwhelming support among them for these kinds of changes. Our newest citizens report that the measures that actually help them to foster their connections and attachment with Canada have had the most positive effect on their integration.⁴⁶

⁴⁵ Intervention by Chungsen Leung, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1920

⁴⁶ Intervention by Joan Crockatt, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1715

This statement further illustrates my argument that CPC MPs prefer to tilt the pendulum of citizenship in favour of the republican model and use opinions of experts as part of an attempt to lend credibility to their claim. In other words, a statement made by someone who, in the words of Falkn, “works extensively with Canada’s newcomers” is used as an “authoritative source” with some form of “specialized knowledge” in support of these newly devised amendments to the *Citizenship Act* that supposedly serve to “benefit” the very people they target. As discussed in the literature review, the republican conception of citizenship is heavily oriented toward serving the interest of the people and strives to ensure that the benefit of the public takes precedence over the interests of the individuals (Bellamy, 2008). To that end, it is evident that the conservative remarks and strategy used by Falkn regarding the “benefits” reaped by enacting Bill C-24 is in line with the republican tradition and the neoliberal approach of providing “expert” and “authoritative” evidence to back up a claim.

5.1.5 Canadian Citizenship and Integrity

One of the most important themes that emerged from the data is the question of integrity. As mentioned previously, throughout the parliamentary debates, Bill C-24 is constantly referred to as a piece of legislation intended to “strengthen” the integrity of Canadian citizenship. Accordingly, framed as part of an action plan to “strengthen” and preserve the value of Canadian citizenship, certain proposed amendments contained in Bill C-24 are conceptualized as serving a prudent function of preserving its integrity and virtue. Most intimately linked to this end goal are those provisions aimed at deterring “citizenship of convenience” and those designed to combat fraud. For instance, denying citizenship to those applicants considered to have been lacking the intent to reside in Canada or revoking citizenship from those who have obtained it by means of fraud serve

to enhance the “integrity” and “sanctity” of the Canadian immigration system⁴⁷. The population of dual-national citizens from whom citizenship must be revoked to send out a “message of deterrence”, represent the so called “unreformable” citizens (see Garland, 2001) that are “incapable” of being integrated into society and must be segregated in the interest of the collective whole. These “citizens of fraud”, in this case, are segregated from the general population with the intent to reduce their “damage” to the moral fabric of society as a whole (Garland, 2001).

Bylanchette-Lamothe (NDP) objects to these provisions arguing that they neither strengthen the integrity of citizenship nor preserve its sanctity; rather, they are merely an expression of power and serve as an example of the Conservative Party using legislative tools for political purposes⁴⁸. According to MP Jasbir Sandhu (NDP), requiring that applicants declare their intent to reside in Canada and denying them citizenship on a balance of probabilities standard is nothing short of discrimination and sends out the message that the immigrant populations are worthy of suspicion⁴⁹. As she posits: “this change would empower officials to speculate on an applicant’s future intentions. It would portray the image of immigrants as deserving of suspicion and mistrust and also treats naturalized immigrants as second-class citizens”⁵⁰. This statement made by Sandhu in opposition to the proposed amendments mirrors the discussions around the concept of “deservedness” and the recent shift in criminal justice policies. As previously discussed, the literature in criminology documents a shift in criminal justice policies from welfare-penalism

⁴⁷ Intervention by Chris Alexander, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1530

⁴⁸ Intervention by Lysane Bylanchette-Lamothe, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1610

⁴⁹ Intervention by Jasbir Sandhu, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 2045

⁵⁰ Intervention by Jasbir Sandhu, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 2045

to penal-populism, reflecting a recalibration in focus away from rehabilitation and moving toward incapacitation. Parallel to this shift was the disappearance of the image of the deserving poor in need of rehabilitation and assistance of the state, and the emergence of an undeserving “underclass” worthy of punitive response, intense monitoring and strict control measures. A closer look at Jasbir Sandhu’s position suggests that immigrant populations, in this context, may be considered to resemble the “undeserving underclass” of the 1980s-1990s that were targeted by the penal populist institutions of the neoliberal state. Just as the vulnerable populations – namely, the urban poor, ethnic minorities, and “delinquent” juveniles – became the target of the repressive penal-populist crime control policies starting in the late 1970s, today’s immigrant populations are being disproportionately targeted by the provisions of Bill C-24. As part of an attempt to redefine the conception of citizenship from a more liberal notion toward one that is more republican in nature, the populations of newcomers are depicted as potentially “threatening”, deserving of scrutiny and extreme vetting to maintain the sanctity and purity of the Canadian immigration system.

The framing of immigrant populations as “risky” and “threatening” the integrity and value of Canadian citizenship echoes how marginalized populations – most notably the ones belonging to the lower socio-economic class – came to be blamed for all the social ills and economic downturns of the welfare state in the 1970s. In fact, it is through such depictions that amendments allowing for the treatment of immigrants as second-class citizens, worthy of being subject to state-initiated control measures gained momentum and legitimacy. Indeed, it is through such portrayals that certain provisions of Bill C-24 framed in the context of “preserving the integrity of citizenship” by taking the necessary precautions to deter citizens of “convenience” and revoking citizenship from the alien fraudster are rationalized and validated. In parliamentary debates,

citizens of “convenience” are presented as the ones who lack the intent to live in Canada but obtain Canadian citizenship for the purpose of utilizing the services such as healthcare coverage and financial assistance for people with disability⁵¹. Largely targeted by conservative politicians as being a “burden” on the tax system, the prospective citizens presumed to lack the intent to reside in Canada are illustrated as “undeserving” of receiving a Canadian citizenship. More specifically, since they may not have a recognized employment in Canada and do not “contribute” to the economic welfare of the country by way of labour, they are assumed, by conservative politicians such as Leung, to be “unworthy” of holding a Canadian passport. Conservative MPs such as Leung advocate for the need to keep this “convenience-seeking” populations under control and ensure that they put in their “fair” share of contribution in proportion to the state-provided services that they are entitled to⁵². In response to such criticisms, John McCallum, a Liberal MP from Markham, Unionville at the time suggests:

Why not have strict residence for healthcare? That would really target people who are citizens of convenience. I understand there was a court case heard by the B.C. Court of Appeal recently, which upheld the government position on that. To me, that is a more targeted approach to direct against the potential citizens of convenience. We would hit them, but we would not hit everyone. A lot of the government measures are directed at the bad people, but they hit all the good people as well and, therefore, are inefficient and unwelcoming.⁵³

⁵¹ Intervention by Chungsen Leung, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1920

⁵² Intervention by Costas Menegakis, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1705

⁵³ Intervention by John McCallum, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1645

This excerpt, by a Liberal MP, suggests that the issues are not restricted to the so-called “citizens of convenience” and the potential cost to the healthcare system. The broader issues at play, in this context, are maintaining the balance between civic rights and duties in relation to citizenship and the civic obligation of the prospective citizens to demonstrate full commitment to Canada by way of residence. Being particularly concerned with redefining the conception of citizenship away from the liberal model toward one that is slanted toward the republican tradition, the “citizen of convenience” become a suitable target in emphasizing the importance of restoring responsibility on part of the would-be citizens.

The attempt on the part of these Conservative MPs to paint a picture of newcomers as the threatening “other” who are “undeserving” of trust and lacking the ability to “fit” into the accepted norms and rules of the Canadian society can be described through what Garland (2012) terms a ‘criminology of the other’ to achieve a certain political end. I argue that, having the objective to push forward their conservative political agenda, these politicians – especially the former Minister – focus on a so-called ‘few bad apples’ to cast the whole population of immigrants in a negative light and promote the necessity of implementing tough control strategies. In doing so, these conservative state authorities discursively criminalize the whole population by concentrating on a minority few who may be engaging in behaviours that are not consistent with the accepted rules and norms of the Canadian society. As McCallum argues:

What the government is doing is sowing division, because it is always putting the emphasis on the bad side of immigrants, the cases where they do not obey the rules, and saying nothing about the much larger side. That gives ideas to the Canadian people who hear the government talking about these immigrants, these

visitors, as not to be trusted, that they might be really bad people. I think it shows division in this country.⁵⁴

As this excerpt implies, McCallum takes a clearly oppositional stance against the claims and statements made by Conservative MPs such as Leung in their efforts to push Bill C-24 toward enactment. McCallum is critical of the CPC for taking what he sees as a populist approach of making emotionally-charged statements, based on the actions of a few, to push forward a conservative political agenda that punishes a whole population of dual-citizens.

5.2 Conceptual Discussion of the Results

In this chapter, I presented my overall argument about the recalibration in conceptions of citizenship in the context of penal-populist notions of responsibilities and deservedness. Considering that Canada has entered an era of penal-populism, and the fact that there seems to be a strong emphasis on the concepts of responsibility, duty, “deservedness”, and punishment, my overall argument is that the political debates surrounding Bill C-24 are an attempt on the part of the CPC to bring back the traditional concepts of civic duty and “deserving citizen” as identified within the republican tradition of citizenship, and that the overall debates renders visible the tensions at play in an always shifting conception of citizenship. In this section, using key concepts drawn from critical criminology and citizenship studies, I make the general argument that the notion of citizenship has always been in flux and Bill C-24 is a reflection of how Canada is moving toward ‘responsibilization’ (Garland, 2001) and prioritization of collective duties over individual rights in terms of citizenship. More specifically, the underlying argument in this thesis is that even

⁵⁴ Intervention by John McCallum, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1640

though the concept of citizenship seems to be in a constant state of flux, Bill C-24 is an example of how the conception of citizenship is generally moving toward preserving the integrity of citizenship, protecting national security and ensuring a “proper integration” of immigrants through tougher crime control and citizenship policies.

Studying the political debates surrounding Bill C-24 while taking into account the recent shift in crime control policies that took place in parallel to Canada’s transition from the welfare state to the neoliberal state suggests that the conception of citizenship is currently being informed by the penal-populist elements of punishment, management of “dangerous groups”, and the tendency to exclude “outsiders”. Moreover, it is important to mention that the current interpretation of the concept of citizenship within this political climate is being informed by the elements of “deservedness” and civic duty which are more rooted in the republican model of citizenship than the liberal. Therefore, the events around Harper’s Bill C-24 are exemplary of a broader trend that is occurring in conceptions of citizenship and serve as evidence that the conception of citizenship is being actively debated and contested and generally it is being redefined in a way that prioritizes the collective responsibility of the individuals to their fellow citizens and the state.

5.2.1. The Best Balance between Rights and Responsibilities

Surveying the literature in citizenship studies and the works of scholars in critical criminology (while considering the parliamentary debates surrounding Bill C-24), I agree with Isin and Turner (2002) that the modern conception of citizenship does not fall neatly into the republican or liberal traditions. Indeed, the modern conception of citizenship is a mixture of civic rights along with responsibilities and the recent debates around the meaning of citizenship – including the

debates around Bill C-24 – tend to draw from both the republican and liberal models. As Isin and Turner (2002) contend:

Modern nation-state itself was born of the nation-state in which certain rights and obligations were allocated to individuals under its authority. Modern citizenship rights that draw from the nation-state typically include civil (free speech and movement, the rule of law), political (voting, seeking electoral office) and social (welfare, unemployment insurance and healthcare) rights. The precise combination and depth of such rights vary from one state to another, but a modern democratic state is expected to uphold a combination of citizenship rights and obligations. (p.

3)

In light of this, the recent parliamentary debates around citizenship that are marked by a tension between political parties around finding the best balance between rights and responsibilities serve as an example of the broader pattern in how citizenship is conceived (and debated) in a social democratic state such as Canada. For example, the disagreement between John McCallum (then a Liberal MP and immigration critic) and Joan Crockatt (then a Conservative MP) as to whether immigrants must continue to spend three out of five years (McCallum's position) or spend an extra year in Canada (Crockatt's position) to fulfill the residency requirement is an example of this tension between finding the best balance between civic rights and responsibilities. But I add to Isin and Turner's (2002) argument that with the rise of penal-populism over the past almost forty years (that have come to significantly influence the social, economic and political institutions of Canada), the meaning of citizenship tends to draw more from the republican than the liberal tradition, at least during the period under study. More specifically, based on Garland's (2001) conceptualization of the shift from welfare-penalism to penal-populism, I argue that Bill C-24 is

an example of how the debates around citizenship are shaped around the extent to which individuals must be held accountable to their fellow citizens – and, in turn, to the state – in terms of civic duty. With the rise of penal-populism, the main question revolves around where the line is drawn in terms of keeping the best balance between rights and responsibilities in an era where punitive response, state-control tactics and management of “dangerous groups” are highly desired. More specifically, the modern understanding of citizenship is being tilted toward the republican model more so than the liberal model given the socio-political climate in which the research took place, a climate in which citizens (or non-citizens) are categorized into different classifications for the purposes of identification and control and the state is expected to deliver a certain degree of swift and proportionate punishment to those who do not act in a “responsible” manner. As Garland (1985) argues, since the late 1970s, a series of institutions have developed strategies to identify, classify, and categorize “dangerous groups” for the purpose of “normalization”, “responsibilization” and punishment (with an underlying logic of deterrence). In Garland’s view, these “deviant groups”, once identified, would be subject to rigorous state reformatory practices which may involve “normalization” (e.g. probation), correction (e.g. youth detention center) or segregation (e.g. prison) in order to fulfill the demands of citizenship. The rationality behind this way of thinking, according to Garland (1985), is that the so-called “dangerous” groups either:

become responsible, conforming subjects, whose regularity, political stability and industrious performance deems them capable of entering into the institutions of representative democracy; or they are supervised and segregated from the normal social realm in a manner that minimizes (or individualizes) any “damage” they can do. (p. 249)

From this point of view, the populations of dual-citizens or would-be citizens who have committed a criminal offence against the value of Canadian citizenship (e.g. citizenship fraud, espionage, terrorism, etc.) represent the so-called “dangerous groups” from whom citizenship must be revoked to minimize “risk” to society and restore a sense of moral responsibility.

5.2.2 Citizenship Revocation as Punishment

In Canada’s current political state that is generally guided toward restoration of “responsibility”, “deservedness” and punishment of offenders – and despite a slight rebalancing that came with the Trudeau Liberal government – the question being asked is not *whether* it is morally justified to revoke citizenship from those who have waged war against Canada by joining a terrorist organization or stripping citizenship from those who have obtained it illegally. The question is *how* the state must go about punishing these individuals and whether they should be afforded the right to appear in the court of law as “normal” citizens. In Garland’s (1991) perspective, punishment is broken down into two types. There are those who are capable of being transformed into morally “acceptable” citizens (through correction, rehabilitation and reformation) and those for whom punishment does not work and must be removed from the public sphere. According to Garland (as read by Vaughan, 2000), “one is either a subject of reformatory practices, eventually able to be admitted into society or else a recipient of deterrence who must be excluded from the mainstream society” (p. 26). Based on this view, the populations of citizenship offenders and the ones who have violated the oath of Canadian citizenship resemble the “unreformable” group from whom citizenship must be revoked and punishment must serve the purpose of deterrence through exclusion. These groups resemble the “unredeemable” segment of the population that fall outside the realm of correction (because they are beyond “redemption”) and must be excluded to send out the message of deterrence.

Dual-national citizens who – according to former Minister Alexander – “conveniently” use Canada’s healthcare system or other institutional benefits without paying their “fair” share of taxes or contribute to the social and economic welfare of the country represent the so-called “citizens of convenience” who are “undeserving” of holding Canadian citizenship. In a sense, they represent the segment of the population who, according to Garland, are “unable to fulfill the demands of citizenship” (see Vaughan, 2000, p. 24). This segment of the population represents the “underclass” poor that became the subject of control and domination by state authorities and the ruling class during Canada’s transition from welfare-penalism to penal-populism. More specifically, they represent the “undeserving poor” who became the target of moral outrage and depicted by conservative government representatives as the “undeserving welfare recipients” who are responsible for corrupting the public morale and economic welfare of the society at large. This population of dual-citizens targeted by conservative politicians such as Chris Alexander for “misuse” of the healthcare system represents a figure similar to the “inner-city urban poor” that became stigmatized as the “lazy welfare recipients” (see Garland, 2001) and blamed for corruption of morality and economic welfare of the society in 1980s and 1990s. The dual-citizens of “convenience” are, in this regard, portrayed in a similar light as the unemployed, single-mother or the government-assisted minority youth that came under attack by conservatives as being responsible for social epidemics such as teenage pregnancy, drug dependency, etc. (Garland, 2001). The “undeserving” welfare-receiving poor that were targeted by conservative authorities as “deviant” and “criminals” who must be subjected to strong punitive control are similar to populations of dual-citizens who are portrayed as “undesirable” citizens, burdening the economy by “misusing” the healthcare system. Dual-nationals who, in the context of Bill C-24, are discursively criminalized for being “citizens of convenience” and “burdening” the health care

system are viewed from the same political lens as the populations of urban poor who were criminalized or marginalized for drug addiction, unemployment, homelessness, or being an “economically unproductive” single-parent in the heydays of penal-populism (mostly mid-1980s to mid-1990s in the United States, somewhat later in Canada).

Furthermore, the ways in which dual-nationals became a target of punitive control through Bill C-24 are similar to how marginalised populations – belonging to the lower socio-economic class – became a target of punitive response by state authorities starting in the 1980s and 1990s. Viewing punishment from Garland’s perspective and its implications for the “undeserving poor”, Bill C-24 can be understood as an instrument that serves to punish the population of dual-nationals who, using Garland’s (1985) framework, are seen as not “living up” to the standards of citizenship. The punitive functioning of the bill is in fact very similar to Garland’s characterization of punishment as either a means of correction or segregation (see Vaughan, 2000). The ones who manage to regulate themselves are “entered into institutions of representative democracy” while those who fail to fulfill the demands of citizenship are revoked of citizenship and removed from the social realm to minimize potential “risk” or “damage” (Garland, 1985, p. 249). Technically, it serves as a means to transform the behaviour of this segment of the population and the ones who are unable to “fit in” would have their citizenship revoked and removed from the public sphere for a purpose of deterrence.

5.2.3 The “Undesirable” and “Undeserving” Citizen

By the same token, dual-national citizens who are considered not “active participants” in the social and economic welfare of Canada are deemed to be the “unwanted” and “unsuitable” citizens that do not “deserve” to be part of the “virtuous” civic whole. Moreover, the absence of

civic contribution that is expected of the “deserving” citizens, in this case, renders these populations “undesirable” and “unfit” for Canadian citizenship. These “citizens of convenience” – in the eyes of the conservative politicians such as Leung and Alexander – are “citizens of fraud” – and must be stripped off their citizenship in order to send out a message of deterrence. This line of thinking echoes what scholars have described as a penal-populist practice of punishment with the intent to dispose of the “irredeemable” subjects (Garland, 1991, 2001; Vaughan, 2000). In this way of thinking, the intent of punishment is not to “reform” through the inclusion of the offender subject but rather to marginalize or fully incapacitate offenders through exclusion and othering (Garland, 2001; Vaughan, 2000). As Vaughan (2000) puts it, “punishment is now being used not upon those who are thought to be conditional citizens with a view to reintegration but against those who are thought to be non-citizens to disable or exclude them” (p. 36). These populations of dual-national citizens are seen as “cheaters” who are scamming the immigration, social welfare and citizenship system of Canada that gives “too much” leeway in terms of social rights – especially in terms of education and healthcare (Isin & Turner, 2002). This conservative line of thinking resonates with the republican model of citizenship that expects citizens to join in a collective effort to participate in civic duty for the betterment of society. According to this conservative logic, there is a certain degree of civic duty that is expected of the “desirable” and “virtuous” citizens in exchange for the civic rights and civic “privileges” that are granted by the sole virtue of being granted citizenship in a democratic state (Marshall & Bottomore, 1992). As Smith (2002) puts it:

Today, then, the core meaning of citizenship is membership with at least some rights of political participation in an independent republic that governs through some system of elected representatives – parliamentary, presidential, bicameral, unicameral, or some other variation. Such citizenship is understood to embrace not

only various rights and privileges, including rights to participate politically, but also an ethos of at least some willingness to exercise these rights in ways that contribute to the common good. (p. 107)

In essence, the tension between some Liberal MPs (such as John McCallum⁵⁵ and Jasbir Sandhu⁵⁶) and some Conservative MPs (such as Costas Menegakis⁵⁷ and Chungsen Leung⁵⁸), as suggested by the debates, revolves around the question of equality and fairness under the law and the degree to which citizens' civic rights must be respected. More specifically, politicians such as McCallum (Liberal) and Sitsabaiesan (NDP) (emphasizing the importance of individual rights) argue that everyone is equal under the law and Bill C-24 creates a system in which dual-citizens are treated as second-class citizens. Invoking the liberal theory of citizenship in which all citizens are equally protected by and subject to the force of law (Isin & Turner, 2002), these MPs are opposed to the unequal manner in which citizens (or would be citizens) are treated by the state. More specifically, they argue that dual-citizens should have the same civil rights (including the right to due process in court) as mono-citizens and Bill C-24 is unconstitutional as it creates a two-tiered system of citizenship. Politicians such as McCallum and Sitsabaiesan (arguing within a liberal framework) do not dispute the practice of citizenship revocation when it comes to those who have committed an offence against the value and integrity of Canadian citizenship (by engaging in fraud or espionage, for example), but rather argue over the degree to which such persons must be stripped

⁵⁵ Intervention by John McCallum, Feb 24, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1640

⁵⁶ Intervention by Jasbir Sandhu, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 2045

⁵⁷ intervention by Costas Menegakis, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 053, p. 1705

⁵⁸ Intervention by Chungsen Leung, May 29, 2014, *Hansard*, House of Commons Debates, 41st Parliament, 2nd Session, Vol. 147, No. 092, p. 1920

off their rights as citizens. The nature of Canada's current institutional operations that are heavily oriented toward questions of "deservedness" and responsibility entails that the certainty of punishment (directed at the offender populations) must always be maintained (Garland, 2001) and there must be a venue to hold such individuals accountable. The debates around Bill C-24 follow the same principles in the sense that politicians opposed to the bill do not argue that the applicants' requirement to demonstrate knowledge of Canada and one of its official languages must be totally abandoned. They rather argue that the state must respect the rights of the vulnerable populations such as the elderly and minors and not subject them to undue hardship. By the same token, MPs such as McCallum and Sitsabaiesan do not question the importance of revoking citizenship from those who pose a threat to Canada's national security but argue that such offenders must have a chance to appear in the Federal Court with the use of effective counsel to ensure that their civil rights are not violated. That being said, in the current political state of affairs, the position of the politicians concurring with the liberal tradition of citizenship is to hold everyone accountable equally and in the same manner as opposed to creating a two-tiered system of citizenship in which dual-nationals are considered second-class citizens.

5.2.4 Canada's 'Two-tiered' System of Citizenship Within the Current Neoliberal Context

The concerns about creating a two-tiered system of citizenship in Canada or discriminating between different classes of citizens is not new. Indeed, modern conceptions of citizenship in Canada (even though projected in light of integration, acceptance, inclusion and diversity) is not free from a hierarchical system of classification and it continues to involve a certain degree of 'othering' and 'exclusion'. As Isin and Turner (2002) argue, "while cast in the language of inclusion, belonging and universalism, modern citizenship has systematically made certain groups strangers and outsiders. What determines the composition of citizens, strangers and outsiders and

their respective rights and obligations in a given nation-state depends on its historical trajectory” (p. 3). Even though Canada has been presented as a ‘country of multiculturalism’ that advocates for inclusion and equality of all citizens, it has always viewed certain classes of citizens in a more favourable light and has always distinguished birthright citizens from those who have been naturalized as Canadians. However, within the more recent debates around conceptions of citizenship, this classification system is further exacerbated by insinuating that one may still be considered a “foreigner” and an “outsider” by having ties to another country even if they are born in Canada. Therefore, despite the fact that Canada has been labelled since the 1970s as a country of “diversity” that is oriented toward welcoming newcomers from all over the world, it still has a hierarchical classification system that favours certain classes of citizens over others. Moreover, this system of classification is subjected to continuous debate and tension. As Isin and Turner (2002) contend, “while many nation-states have elaborated rules and criteria for ‘naturalization’, the granting of citizenship to those not born in its territory, such rules and criteria are often contested and debated and vary widely” (p. 3).

But what is important to keep in mind is that this continuous debate around citizenship rules and criteria (for instance, debates around whether citizenship may be revoked by orders of the Federal Court or the Minister) are shaped by larger economic, political and cultural narratives that inform the nature of the relationships between citizens themselves and between citizens and the state. The tension in the recent debates around what constitutes the best balance between rights and responsibilities are informed by a larger political narrative that is guiding the socio-cultural and economic institutions of Canada. As Garland (2001) demonstrates, since the early 1980s, Western countries such as the U.S. and the United Kingdom (with Canada following the same trend), have largely moved away from preserving the welfare of citizens (and non-citizens) through

social policies and programs that were once predominantly oriented toward assistance and accommodation of those in need. In recent decades, Canada's political institutions (although to a lesser extent than the United States) have largely moved away from being "generous" with the welfare system and giving criminal offenders a second-chance through rehabilitation and educational programs. The political narrative that is oriented toward punishment instead of rehabilitation, therefore, plays an important role in informing what constitutes an "appropriate" balance between rights and responsibilities of those who are the subject of citizenship debates. It is therefore not surprising that in this age of penal-populism, priority is given to punishment and maintenance of security through zero-tolerance penal policies and the conception of citizenship is moving in the republican direction of restoring civic responsibility and ensuring that offenders are held criminally accountable (Wacquant, 2009; Pratt, 2007; Feeley & Simon, 1992; Harcourt, 2010). The recent penal-populist thinking, that according to Garland (2001) has come to replace the welfare-penalism thinking of the welfare state, entails that citizenship offenders (e.g. fraudsters, terrorists) face justice and the sense of public morality and national security is restored – whether by revoking their citizenship and sending them to "where they came from" (Harper's conservative thinking) or trying them in the court of law (Trudeau's liberal thinking).

5.2.5 Bill C-24 as an Exemplary of a Larger Trend in Conception of Citizenship

The Conservatives' emphasis on preserving the value and integrity of Canadian citizenship by taking a 'tough on citizenship-of-convenience' approach through Bill C-24 and the subsequent amendments made to the *Citizenship Act* by the Liberal Party (through Bill C-6) are clear examples of how recent debates around citizenship include both the elements of liberal and republican traditions that are in tension but at the same time complementary. The 'tough on citizenship-of-convenience' stance taken by the Conservatives during the process of Bill C-24's enactment into

law and the Liberals' move to obliterate the effects of the bill (while using citizenship revocation more aggressively) indicate that the modern understanding of citizenship is about arguing for the best balance between rights and duties in the current political climate that is guided by penal-populist notions of retribution, punishment and control. As discussed in Chapter One, the Liberals (through Bill C-6) "softened" the process of citizenship application for newcomers; however, they added other punitive measures such as discounting the time criminal offenders spend in the community as part of their conditional sentence to access citizenship. Another punitive measure added by the Liberals was giving government authorities broader discretion to confiscate citizenship documents deemed to have been obtained by means of fraud. This suggests that the conception of Canadian citizenship, even though in a state of flux, is generally moving toward limiting the rights of citizens and giving more power to state authorities to interfere with their lives. It suggests that even though the recent debates and understandings about citizenship borrow from both the republican and liberal models, the recent conception of citizenship is leaning toward penal-populist approaches and holding citizens accountable for their actions. As mentioned in Chapter One, even though the Liberals denounced the Conservatives' Bill C-24, citizenship revocation increased since Trudeau's Liberals took office. This increased use of citizenship revocation by the Liberals and the fact that they have used punitive powers legislated in by the Conservatives more rigorously, speak to the larger pattern of recalibration in conceptions of citizenship that is currently happening in Canada. Even though the conception of citizenship in Canada is in a constant state of fluctuation and there seems to be a general disagreement between the Liberals (along with the NDP) and the Conservatives over what citizenship means in terms of rights and duties, there seems to be a general consensus in bringing back the elements of "responsibilized citizen" and civic duties in exchange for rights. Thus, it seems that even though

the meaning of Canadian citizenship is in tension, the pendulum of citizenship is generally tilted toward the republican model of citizenship in Canada's current penal-populist crime control culture.

On an ending note, the debates around Harper's Conservatives' *Strengthening Canadian Citizenship Act* (Bill C-24) along with the changes that followed through Trudeau's Liberal's Bill C-6 can, on the one hand, be understood as a site where political parties have a difference of opinion as to what constitutes the best balance between the rights and responsibility of citizens. On the other hand, it can be understood as a site where, through mutual efforts, political parties try to incorporate the notions of "responsibilized" and "properly integrated" citizen within Canada's current penal-populist culture of control. When it comes to recent debates on questions of citizenship, the liberal and republican traditions (despite their differences) are not mutually exclusive categories, but rather, co-operationally provide the foundational ground to define what it means to be a citizen and to be held accountable for civic duties while still retaining individual rights and freedom. The political debates surrounding citizenship revocation, therefore, serve as a site of contention where different political parties argue over the extent, and the manner, with which the state must be granted the power to intervene in the lives of individual citizens in the context of today's penal-populism. For instance, whereas the Conservatives' Bill C-24 allowed for revocation of citizenship from suspected terrorists based on "reasonable belief" of the former Minister, the Liberals allowed the accused to go through a trial where the standard of proof must be higher. This shows that political parties do not fundamentally disagree over the idea of state-intervention in the lives of individual when doing so is in the interest of the public, but rather disagree over the manner in which citizens must be held accountable and the extent to which the state must be granted the power to deprive one of citizenship rights.

Given that Canada has been moving away from welfare-penalism since the late 1980s and early 1990s, it is not surprising to note that, regardless of the political party in power, the neoliberal regime that is guiding our institutions is not fundamentally questioned. As Garland (2001) puts it:

During the 1980s and the 1990s, the political culture that informed institutional relations was quite different from that which had prevailed in the heyday of the welfare state. In its emphasis if not in every aspect, this culture was more exclusionary than solidaristic, more committed to social control than to social provision, and more attuned to the private freedoms of the market than the public freedoms of universal citizenship. The institutions of crime control and criminal justice have shifted in the same general direction. They have adjusted their policies, practices and representations in order to pursue the social objectives and invoke the cultural themes that now dominate in the political domain. (p. 194)

In light of this, such actions by Trudeau's Liberal government can be interpreted, and understood, by the neoliberal – marked by penal-populist crime control policies – approach that is currently guiding the social, political and economic institutions of Canada which prioritize restoration of responsibilities over protection of individual rights. The transition from the welfare state of the post-war years to the neoliberal state was indeed followed by what Garland (2001) calls a shift from welfare-penalism to penal-populism. This shift in crime control policies that is marked by a departure from the notion of rights to responsibility has also manifested itself within the conception of citizenship in Canada. With the rise of penal-populism has come a rise in popularity of the notion of “deservedness” and the importance of responsibilities; which have in turn, influenced how Canadian institutions conceive of citizenship.

Chapter Six – Conclusion

In this thesis, I argued that the provisions of Bill C-24 and the arguments presented in its favour by the CPC function as an attempt to redefine the meaning of citizenship for dual-national citizens. By mobilizing a selective set of concepts drawn from critical criminology and citizenship studies, I argued that Bill C-24 aims to mark a recalibration in conception of citizenship from one that draws inspiration from the liberal model (based on civic rights) to one that is more oriented toward the republican model of citizenship (based on civic duty). What initially sparked my interest to undertake this specific research about the political move to redefine the meaning of citizenship was Chris Alexander's controversial statement that this bill "would remind individuals that Canadian citizenship is not a right, it's a privilege" (cited in Macklin, 2015, p. 9). This thesis argued that this statement made by the former Minister is inherently a republican statement that is intended to redefine the meaning of citizenship in terms of privilege, "deservedness" and responsibility as opposed to respecting the rights and equality of all citizens under the law. This statement serves to signify that the recent political debates surrounding the revocation of citizenship in Canada aims to mark a recalibration in meaning of citizenship from a more liberal understanding (with the notion of rights as its central element) to a more republican understanding (based on collective civic duty of individuals to their fellow citizens and the state).

To answer my main research question (*How do political debates revolving around Bill C-24 symbolize the tensions or transformations in the meaning of citizenship for dual national citizens?*), I presented an overview of the political emergence of Bill C-24 which included some of the bills tabled by the Conservatives preceding Bill C-24 along with the contemporary and historical contexts of citizenship revocation. In doing so, I depicted the ways in which citizenship revocation has historically been used as a device to regulate the behaviour of immigrant groups

and expelling what Canadian institutions deemed to be “undesired” and “dangerous” groups based on the political climate of the time. In my literature review chapter, I highlighted the main principles of the republican and liberal models of citizenship as they seem to lay the foundational ground in discussions and academic debates surrounding the concept of citizenship. Based on the debates surrounding these two foundational models, I also explained that the modern conception of citizenship is comprised of elements drawn from the republican and liberal traditions that are complementary but are also in tension, and that the discussions around citizenship tend to revolve around arguing for the best balance between rights and duties of citizens. Furthermore, I presented the main themes in critical criminology regarding welfare-penalism and penal-populism and how they relate to discussions and debates surrounding citizenship. More specifically, I illustrated how the attempt to redefine the meaning of citizenship from one that is understood more in the context of the liberal tradition to one that is geared more toward the republican model (as seen in the political events surrounding Bill C-24) resembles the shift in crime control policies of the state that departed from prioritizing the rights of offenders to emphasizing their responsibilities and duties. The shift in criminal justice policies of the welfare state that were oriented toward preserving the welfare of the citizens, to policies that were increasingly punitive and held citizens accountable for their actions in the heydays of neoliberalism parallels the recalibration in conception of citizenship from a more liberal notion to a more republican one.

In my analysis, I presented the main themes that emerged from the thematic analysis of the parliamentary debates surrounding Bill C-24 and put them in relation to some of the key concepts related to citizenship studies (mainly, the republican and the liberal models of citizenship along with T.H. Marshall’s reading of modern citizenship as incorporating elements of both models that are in tension, but yet complement each other) and critical criminology, mainly David Garland’s

concepts of penal-welfarism, and penal-populism). More specifically, I presented the recurrent themes that emerged from studying the political debates surrounding Bill C-24 and analyzed them in reference to concepts from the above-mentioned disciplines. Throughout my analysis, I argued that the emerging themes such as the balance of rights and responsibilities, preserving the integrity and value of Canadian citizenship, ensuring that citizens are “properly integrated” and pledging one’s loyalty to Canada are more aligned with the republican model of citizenship and function to push the pendulum of citizenship away from the liberal model. I also explained how these themes highly resemble some of the key concepts evident in penal-populist crime control policies of the neoliberal state where there is a heavy emphasis on restoration of citizen’s responsibilities (by holding offenders responsible for their actions) and deploying increasingly punitive measures against those who undermine the value of Canadian citizenship by engaging in unlawful activities. In my conceptual discussion of the results, I presented my overall argument about the recalibration in the meaning of citizenship in conjunction to today’s penal-populist crime control system in which heavy weight is given to notions of “deservedness”, accountability, retribution and restoration of responsibility. In this chapter, I explained how within Canada’s current political state that insists on the notions of the “responsibilization” of citizens, restoration of civic duty and management of “dangerous” groups, the pendulum of citizenship is generally being tilted toward the republican conception of citizenship.

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